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Midtown South Zoning Proposal

George M. Janes, AICP
2/26/2025

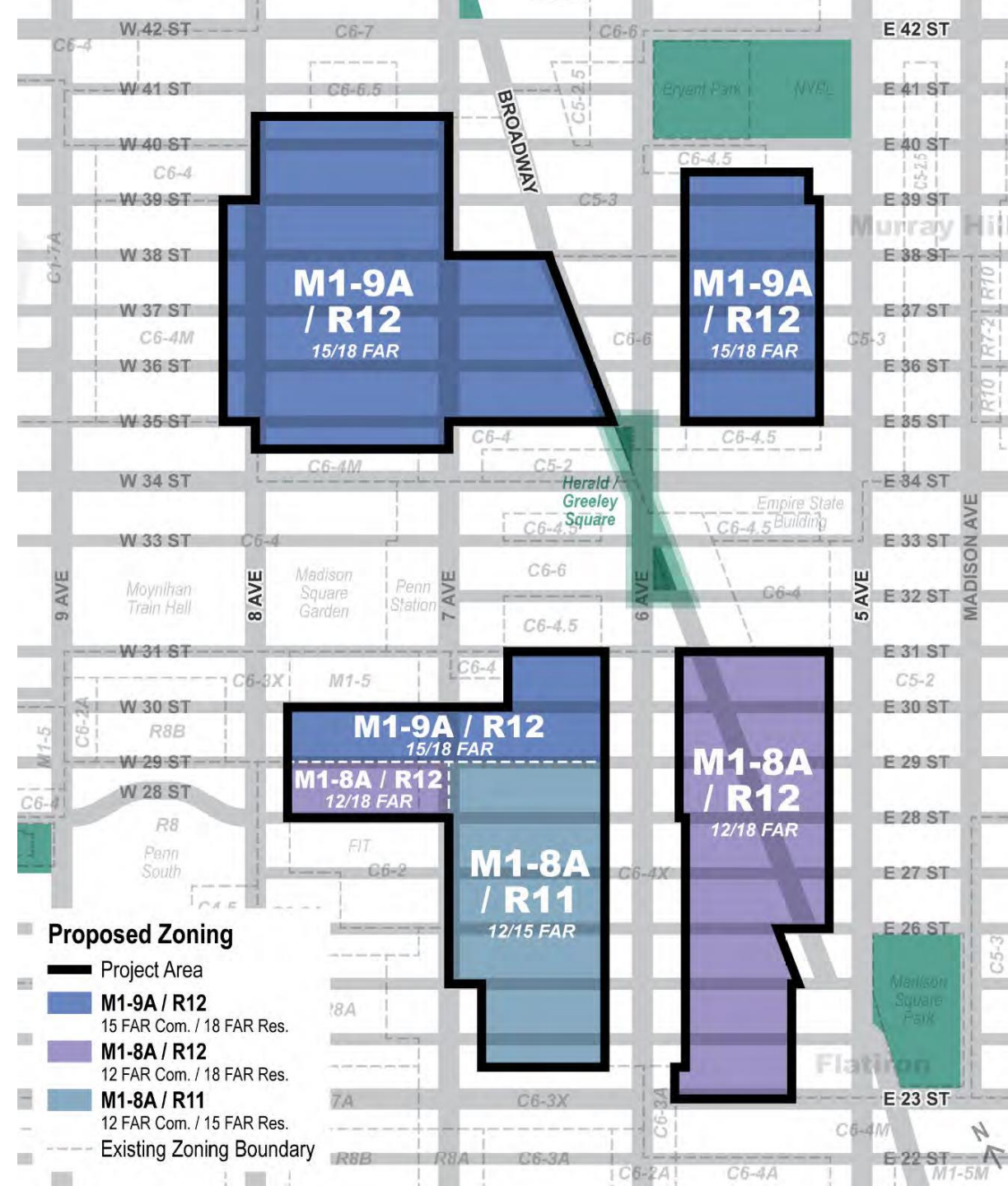
Today

- The MSMX application
- How might the zoning play out on actual sites in the district
- Zoning considerations
- Environmental impacts and commenting on the DEIS

- This presentation assumes basic knowledge found in [DCP's materials](#), which can be found here: <https://zap-api-production.herokuapp.com/document/artifact/01QY2C5KMUPHBD6EFCBBGZ2TRXOPHX4CTG>

The zoning proposal

- The proposal is to rezone the mostly M1-6 district to higher density mixed used districts and a new special purpose district
- The current zoning, with limited exceptions, does not permit housing as-of-right
- Housing would be permitted up to 18 FAR in the first use of the new R11 and R12 districts adopted as part of City of Yes
- Residential FARs up to 18 are permitted in most of the area and MIH is required



The proposed zoning has bulk controls that are intended to better match the existing context

- There is a requirement for ground level streetwalls and a base that rises at least 60 feet, but can go up to 15 stories
- Towers ARE permitted, but with a base that comes to the street
- Through lots must have their Rear Yard Equivalent in the middle of the block, unless they are “Large Sites”

MSX-wide Base Height

Minimum 60’

Maximum 155’

Flexibility Match neighboring

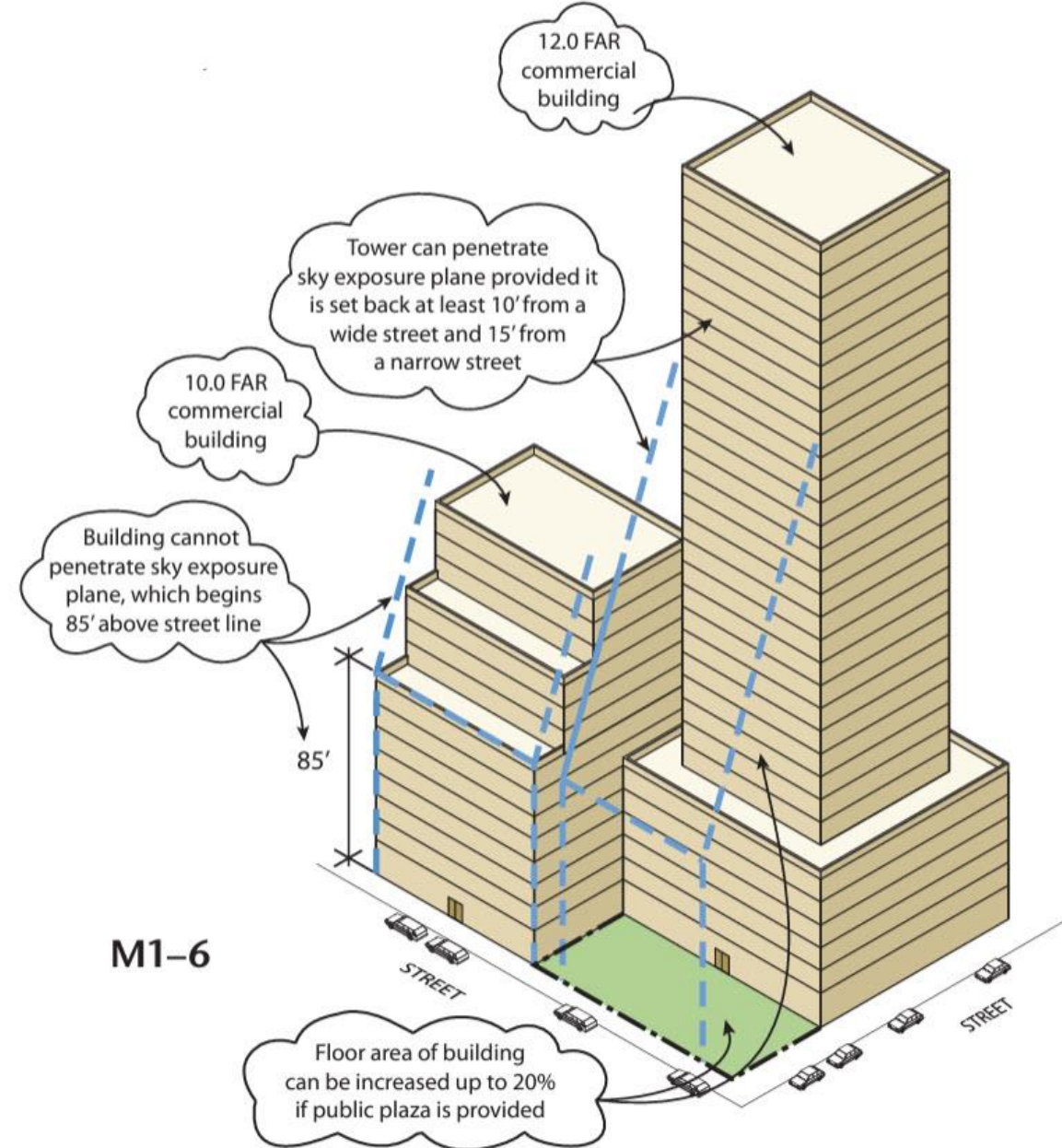
MSX-wide Street Wall

First Story 100% within 8’ of the street line

Up to Min. Base 70% within 8’ of the street line

The existing M1-6 zoning does not match the context

- The M1-6 permits a height and setback building, which is often smaller than the context
- Or it permits small footprint towers with open spaces that really don't match the context



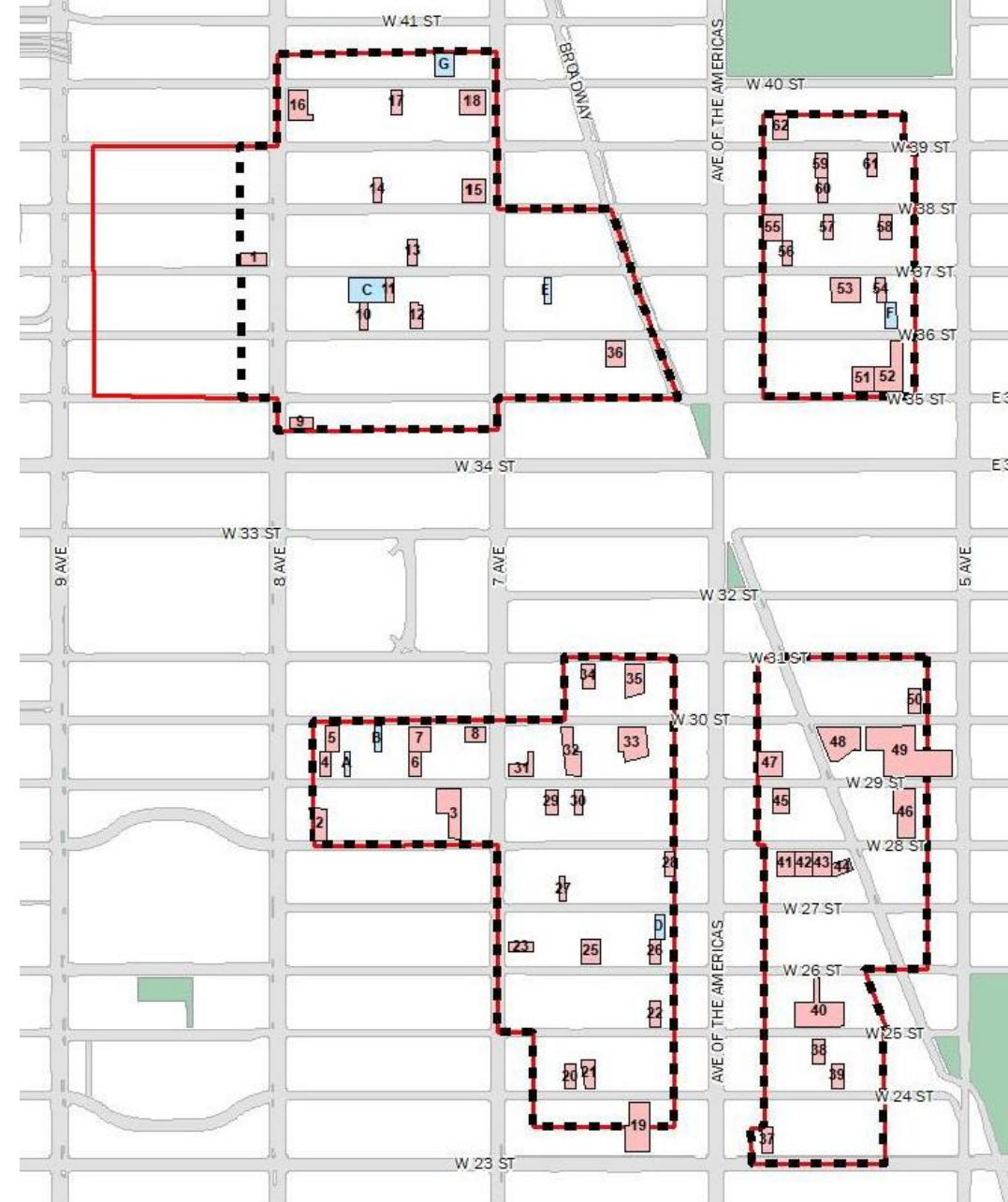
The proliferation of hotels in the district were, in part, a result of the existing zoning

- Height and setback buildings often can't use all the FAR
- Small footprint towers could, but are not good for commercial or industrial uses
- They were good for hotels but usually leave a big break in the streetwall, which is not good urban design
- The DCP special permit requirement for hotels has largely stopped this practice



As a part of the DEIS, the City developed this map of projected and potential development sites under the new zoning

- The “Reasonable Worst Case Development Scenario” (RWCDS) is developed from these 62 sites
- The RWCDS is the foundation of the environmental review

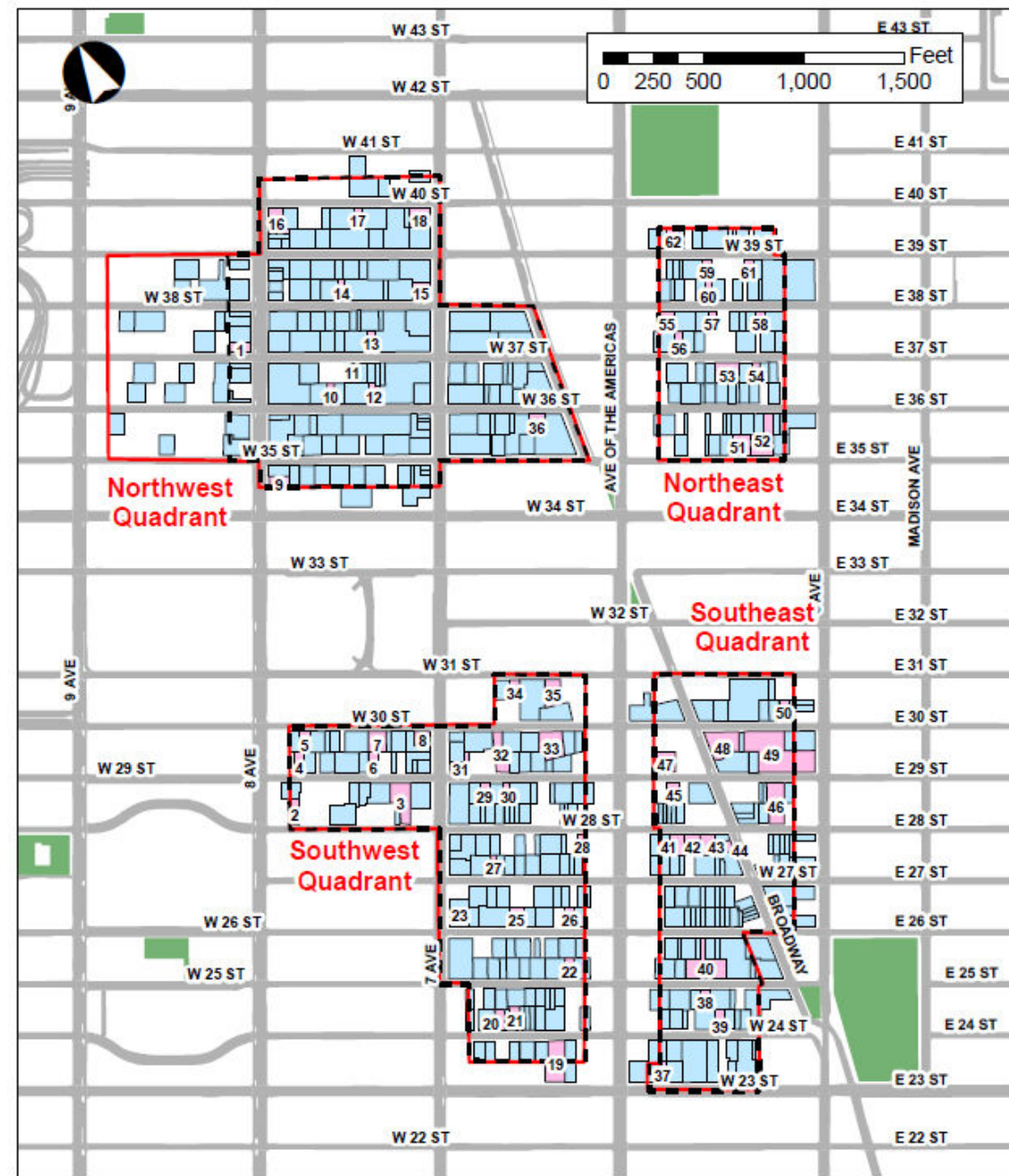


Legend

- | | | |
|--|--|--|
|  Projected Development Site |  MSMX Rezoning Area |  Open Space |
|  Potential Development Site |  MSMX Affected Area | |

The DEIS also shows “potential conversion sites”

- Most of the non-residential buildings have been identified as potential conversion sites

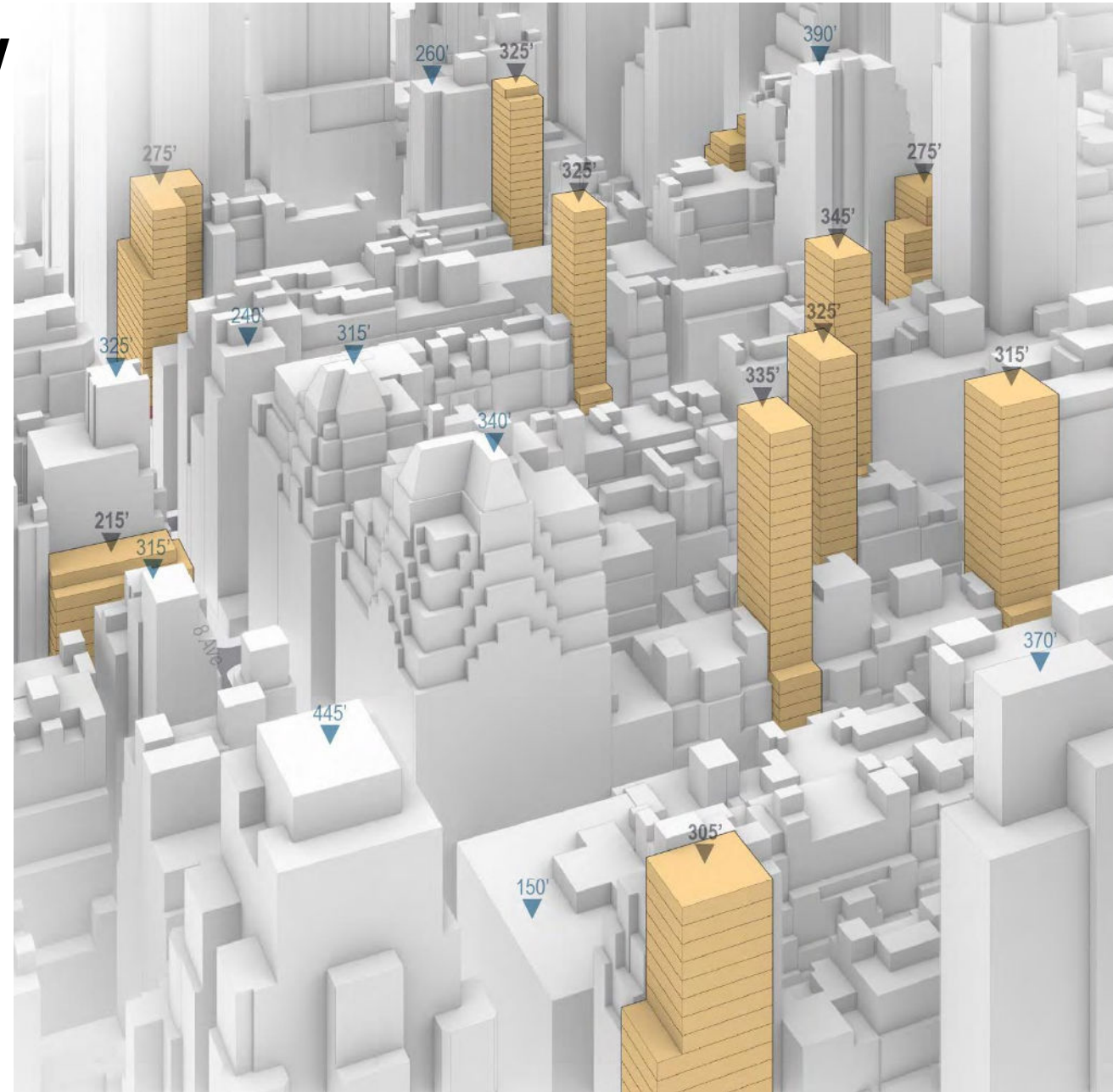


Legend

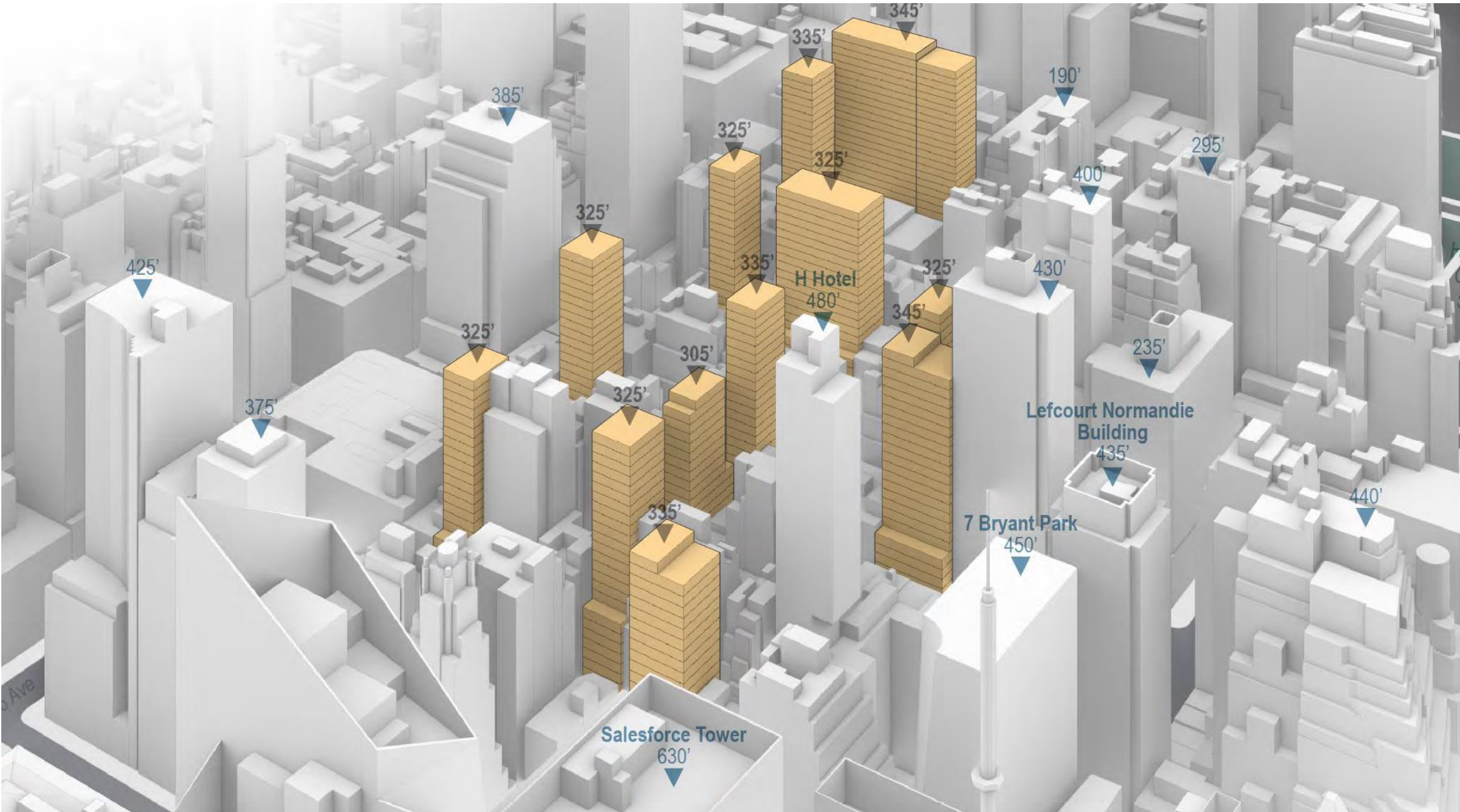
- [- - -] Rezoning Area
- [Red Box] Affected Area
- [Blue Box] Potential Conversion Sites
- [Pink Box] Projected Development Sites

DCP massed out each of the development sites. This is the NW quadrant

- The difference between development with current zoning and development under the proposed zoning is what's studied in the DEIS



This is the NE quadrant



This is the SE quadrant



This is the SW quadrant



But the rules required for a RWCDs don't reflect reality

- A RWCDs cannot assume a zoning lot merger or the sale of “air rights”
- Also, “assemblages” or the grouping of lots in separate ownership into a single development site are limited
- As a result, we see 4 separate development sites like this:



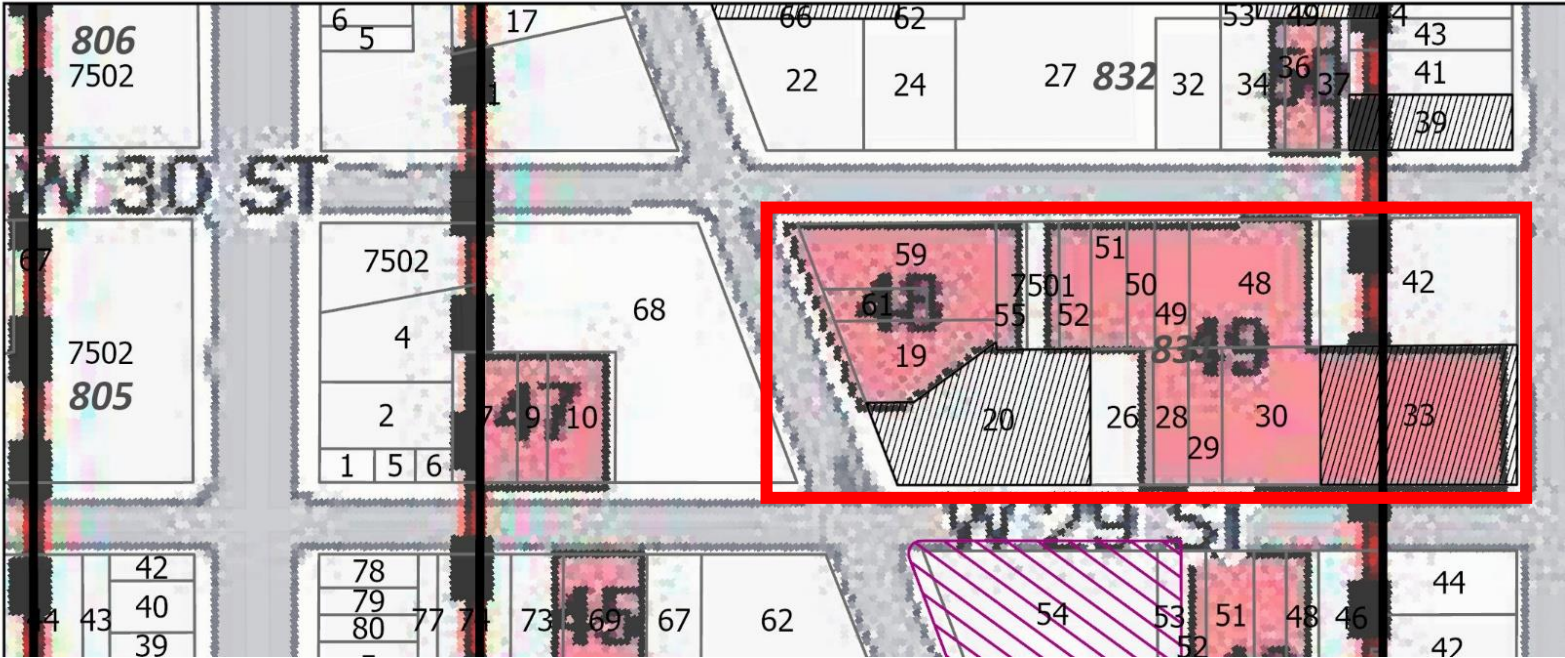
- In reality, a developer will likely assemble this site so that it can be developed more efficiently

My office was asked to select sites in the rezoning area to show how they might be developed under the new zoning

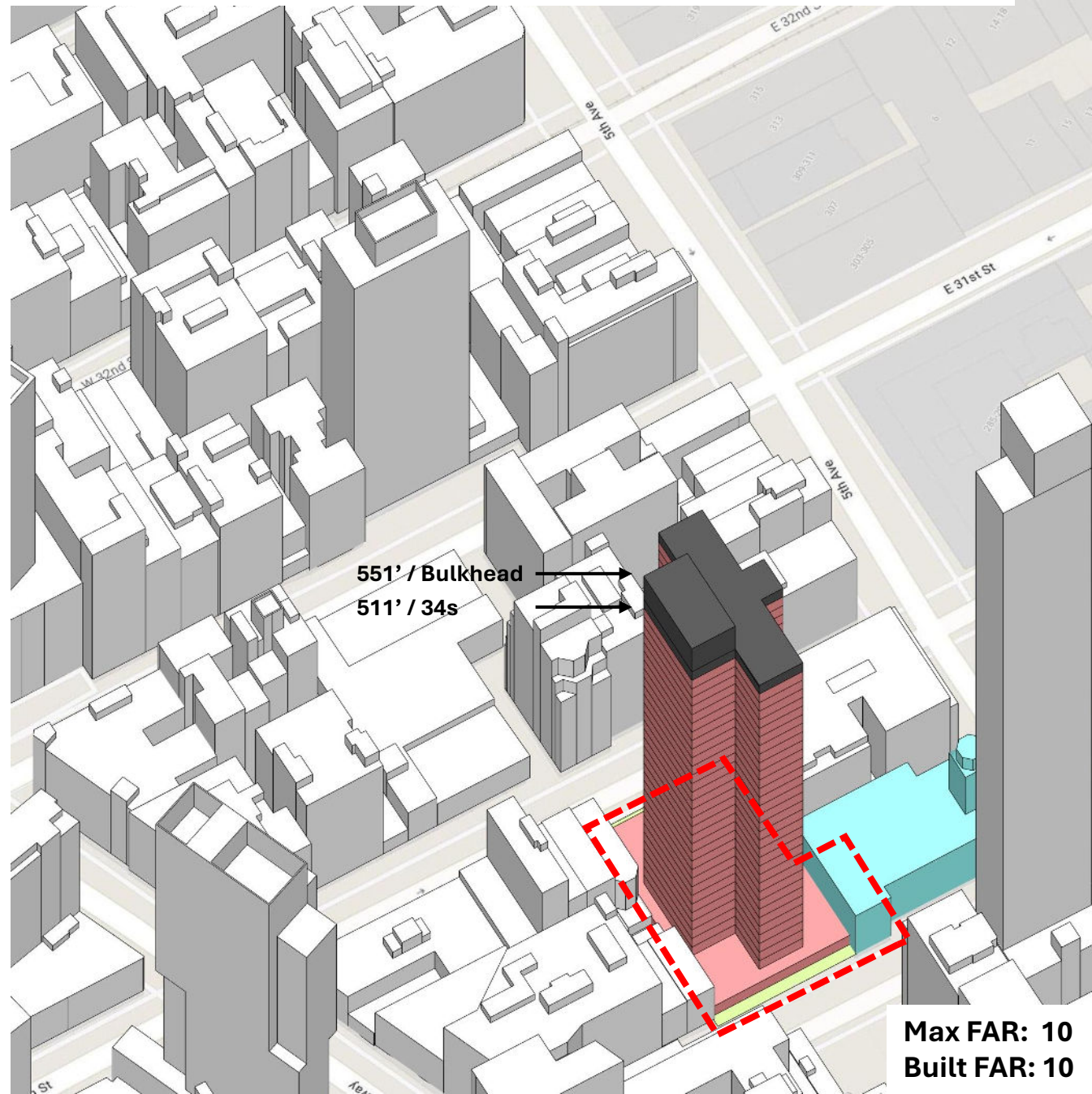
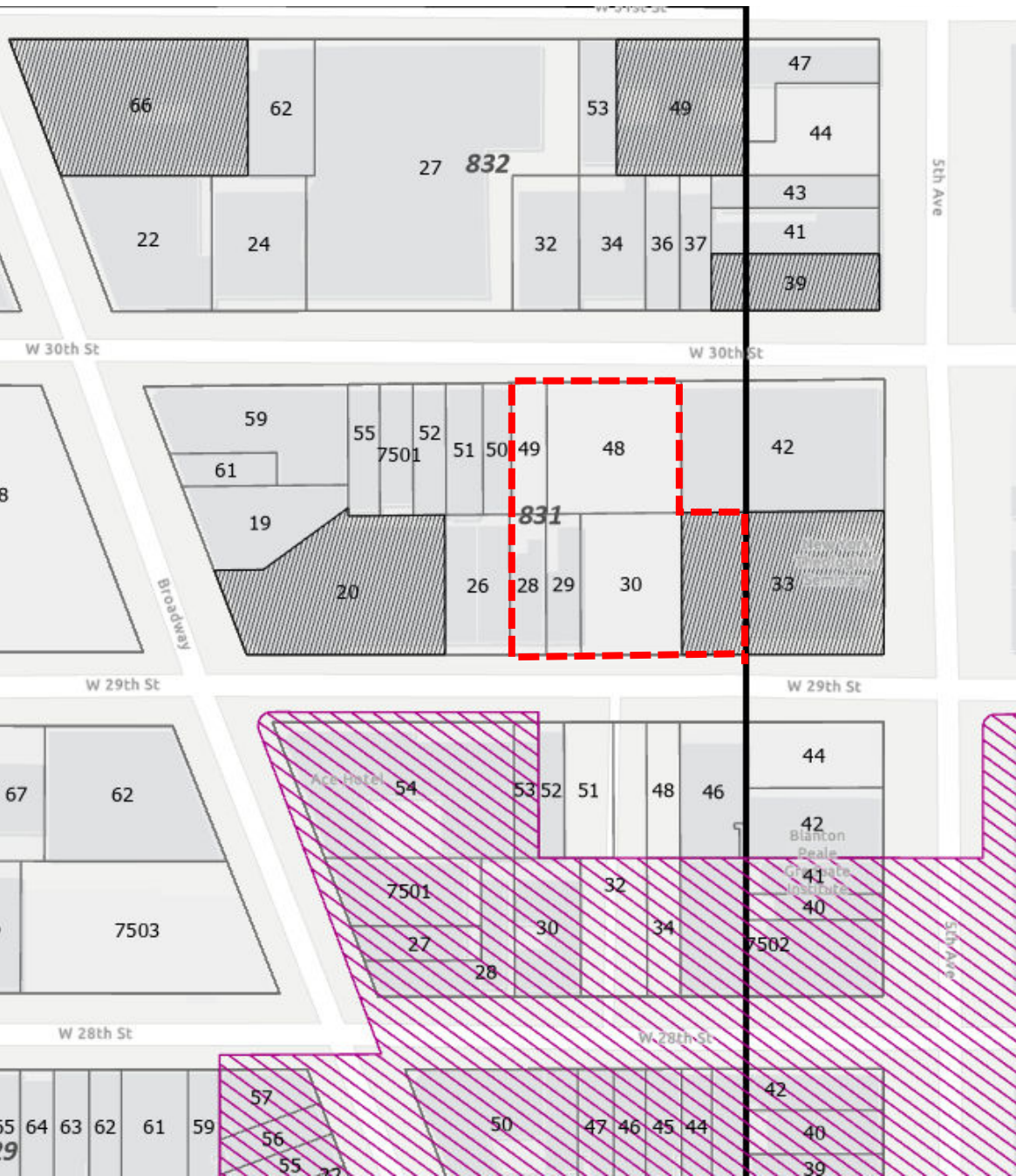
- We tried to find potential development sites:
 - With multiple tax lots for assemblages
 - Outside the historic districts
 - Next to landmarks or tax lots with available floor area to transfer in a zoning lot merger

Our first site is between W 29th and W 30th Street between Broadway and Fifth Avenue

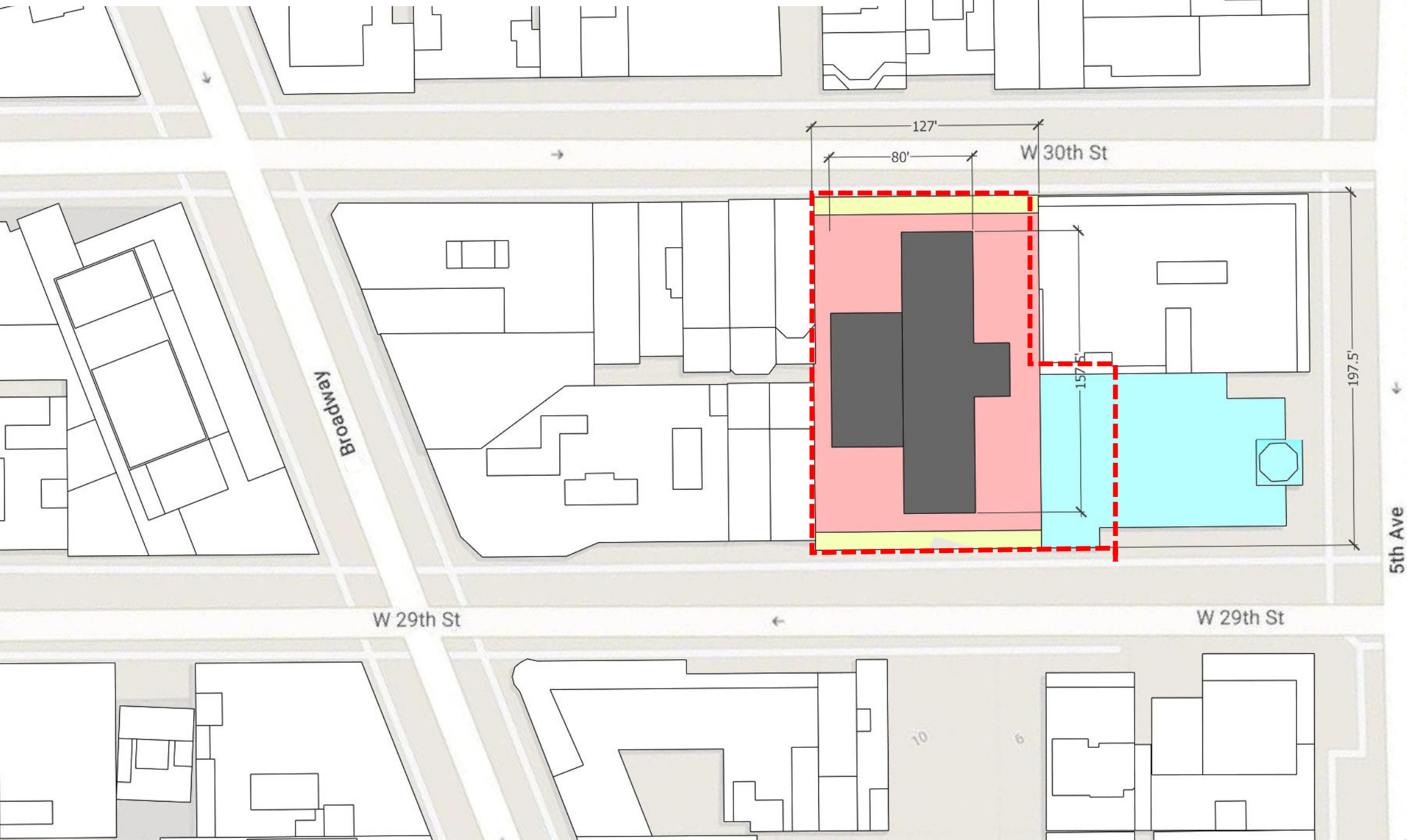
- It is developed as two different sites in the RWCDS



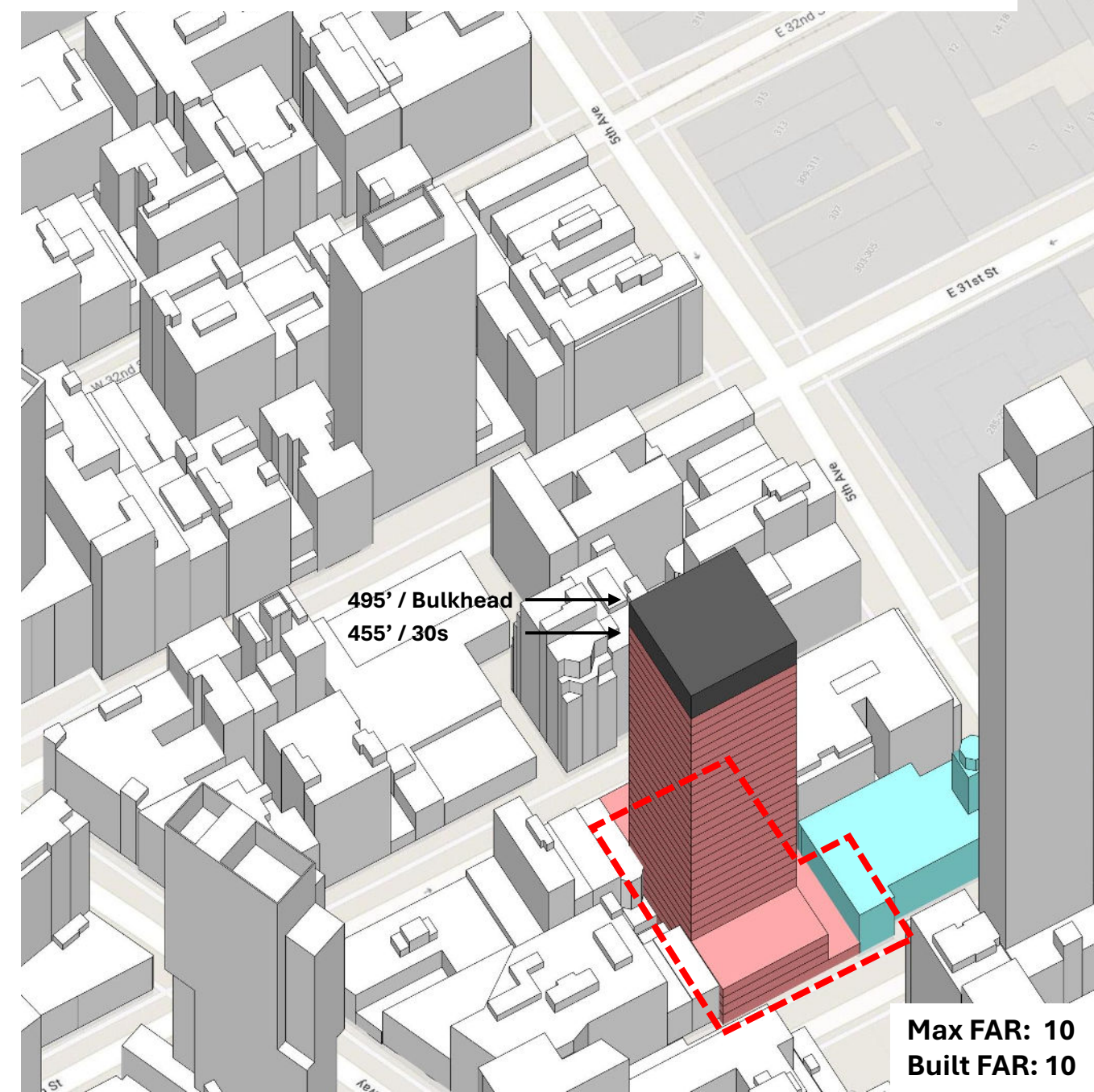
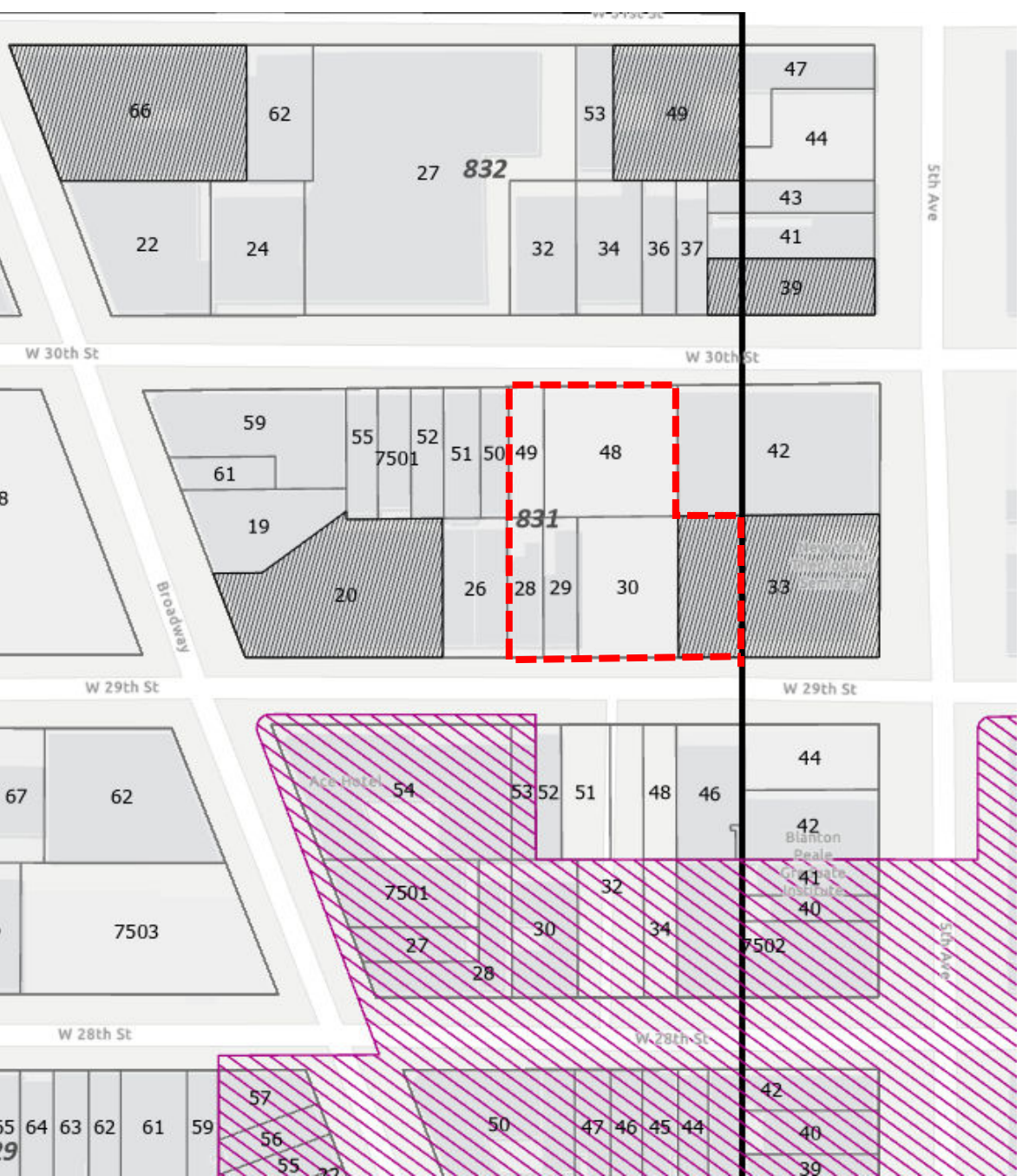
Under current zoning, it was proposed to be redeveloped as a commercial tower



Site 1 – Block 831, Lots 28, 29, 30, 48, 49, and 33 (partial), Existing Zoning (Tower)

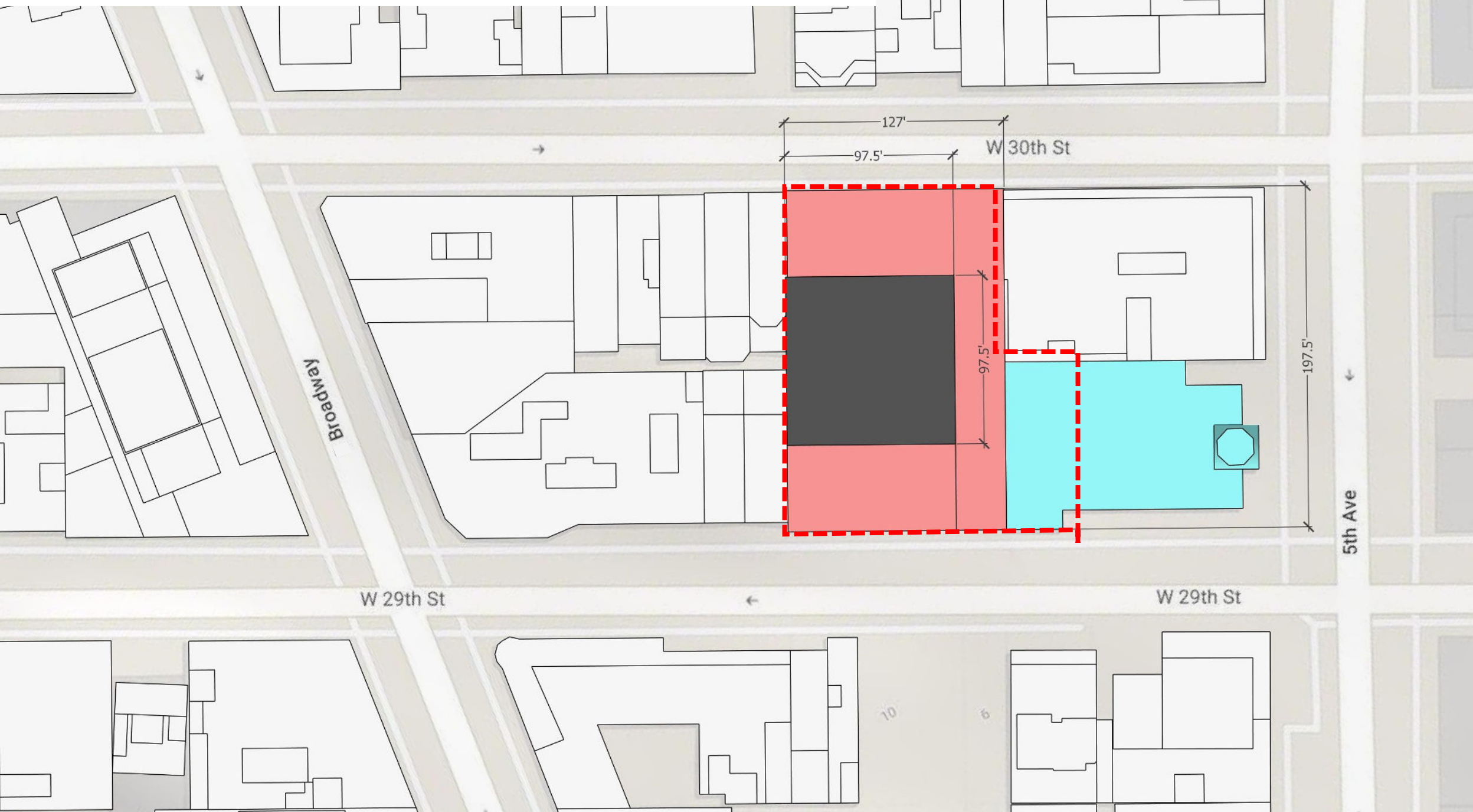


It could have also been developed like this. A zoning lot merger is unlikely

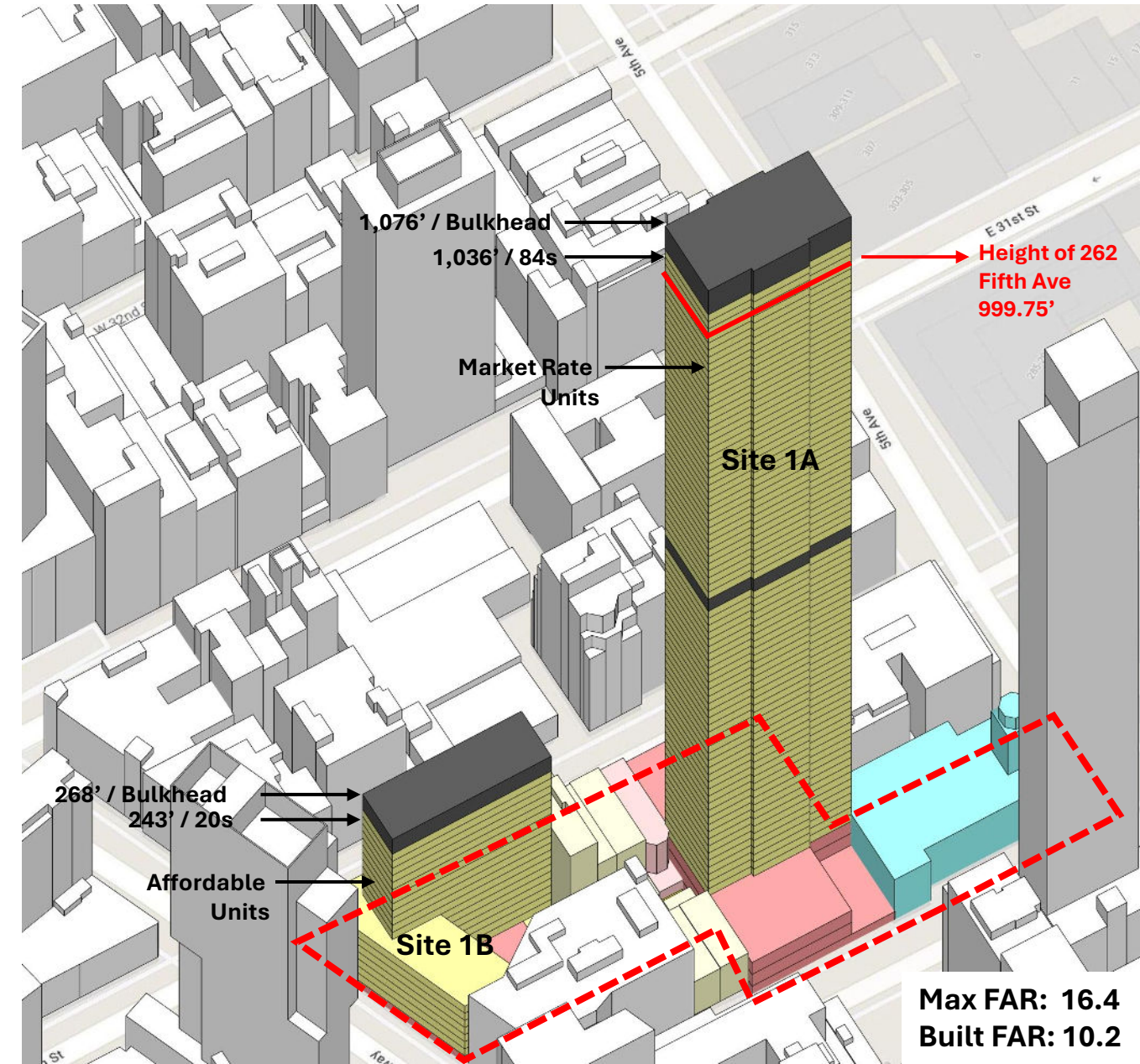
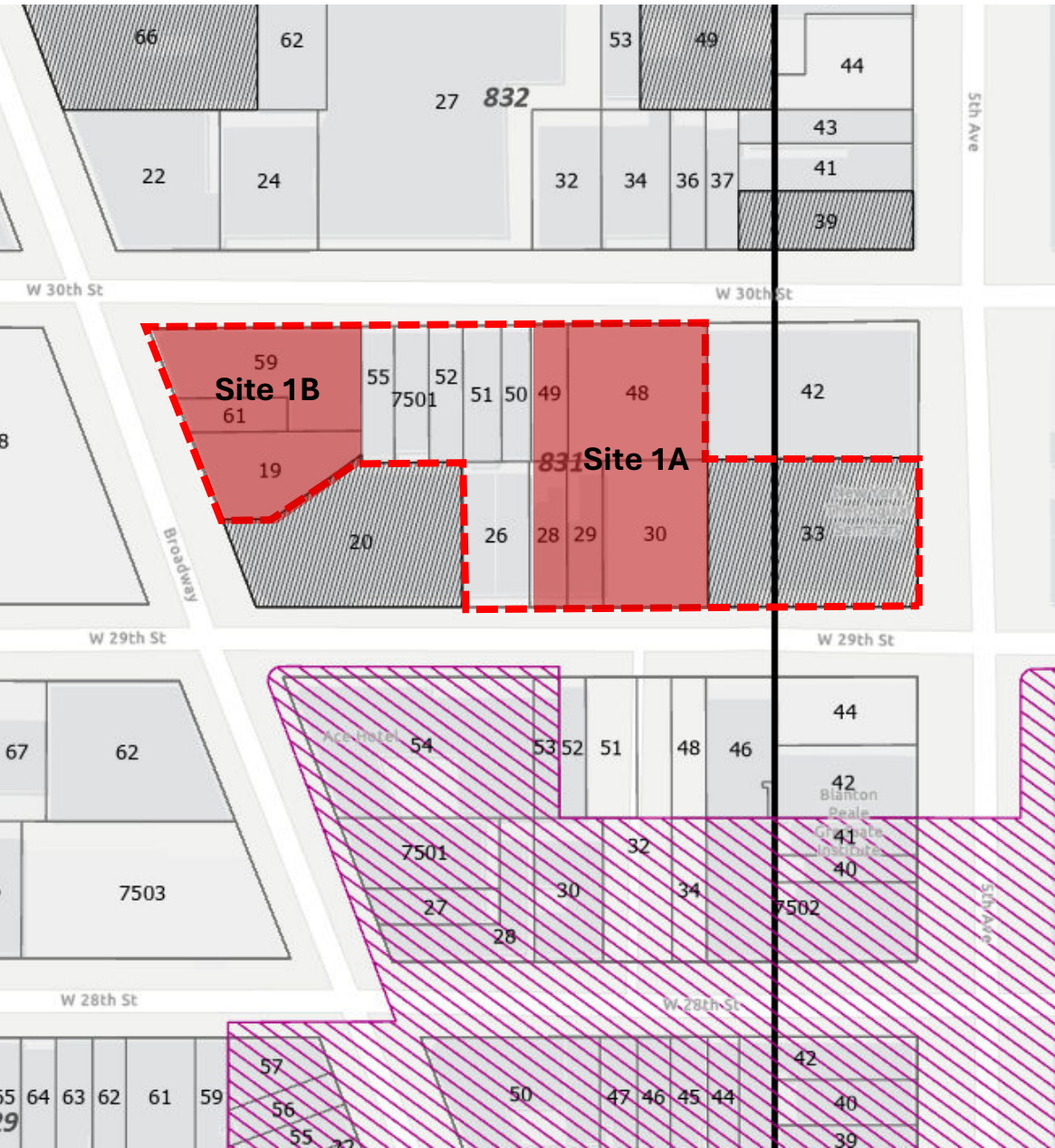


**Max FAR: 10
Built FAR: 10**

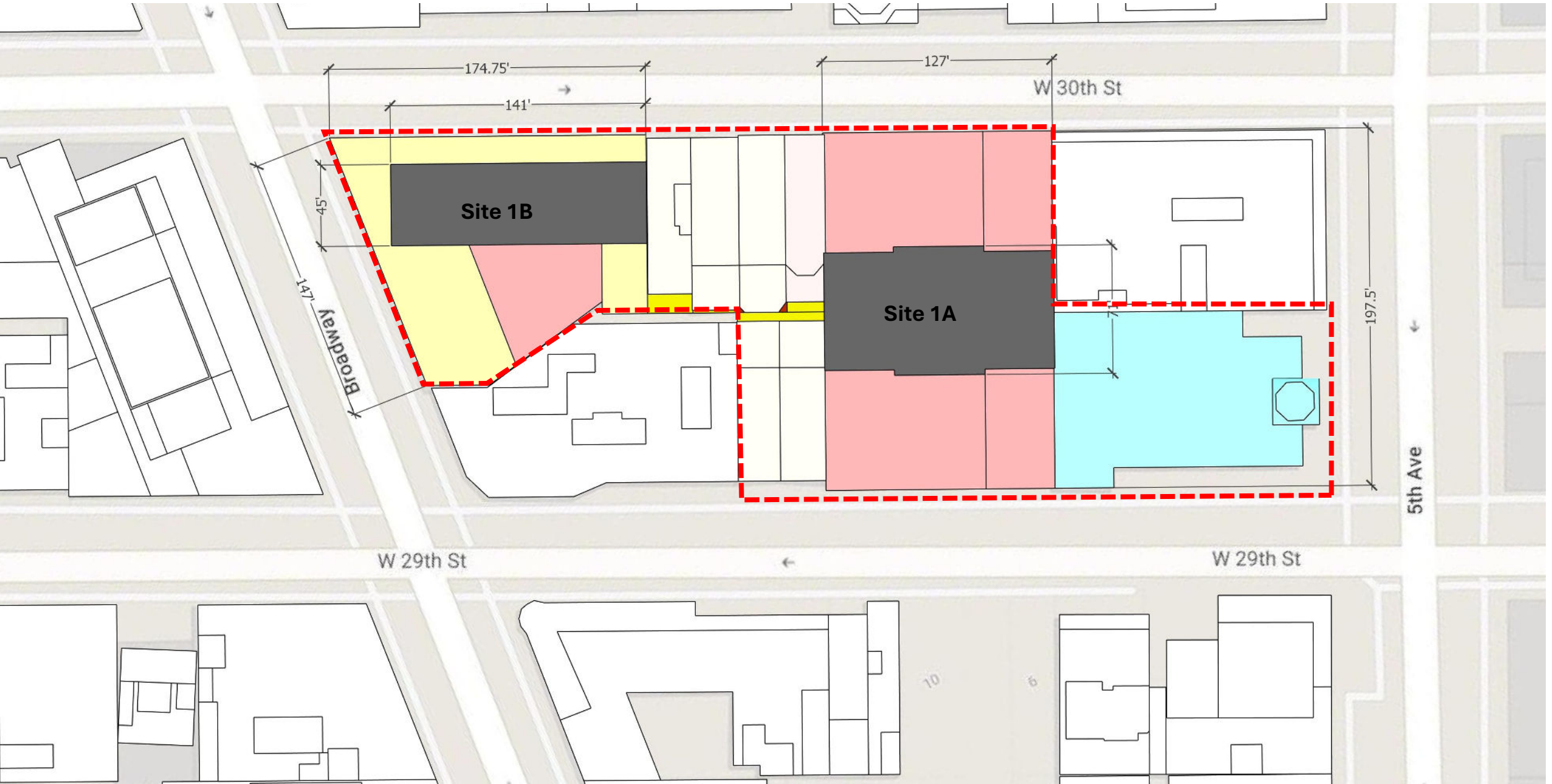
Site 1 – Block 831, Lots 28, 29, 30, 48, 49, and 33 (partial), Existing Zoning (Tower)



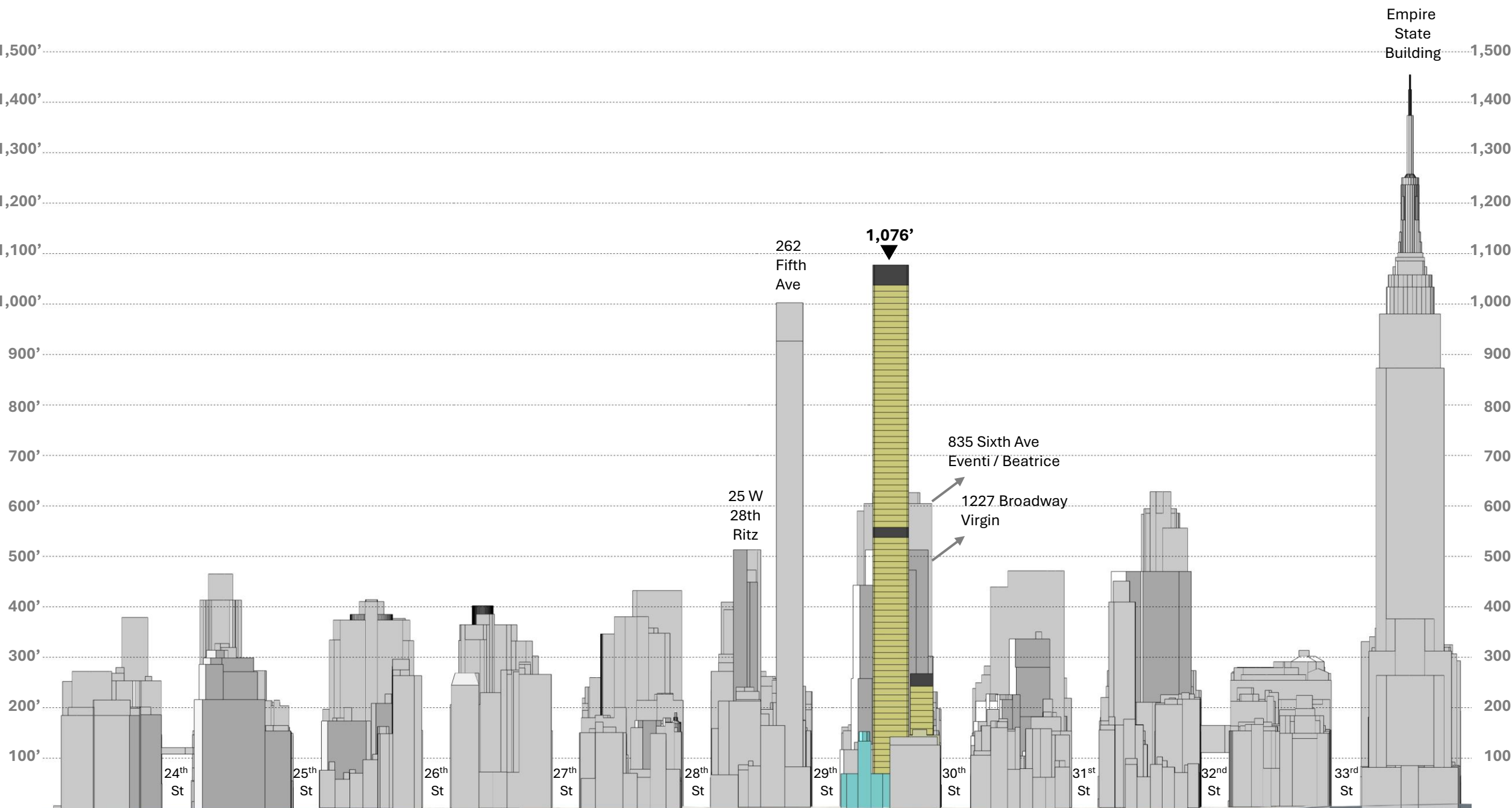
Under the proposed zoning, a zoning lot merger would facilitate a two-building development and benefit from being a "large site"



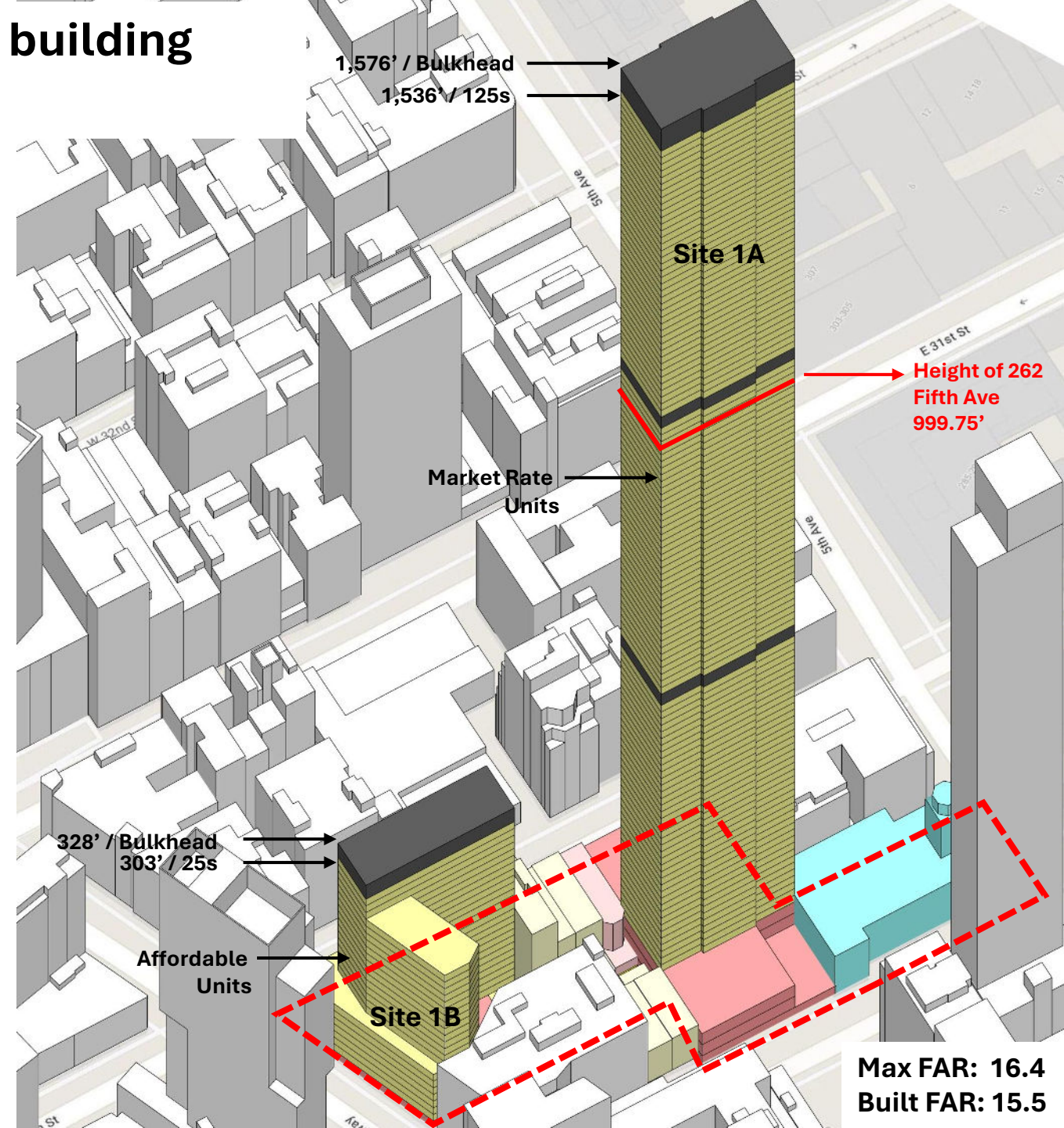
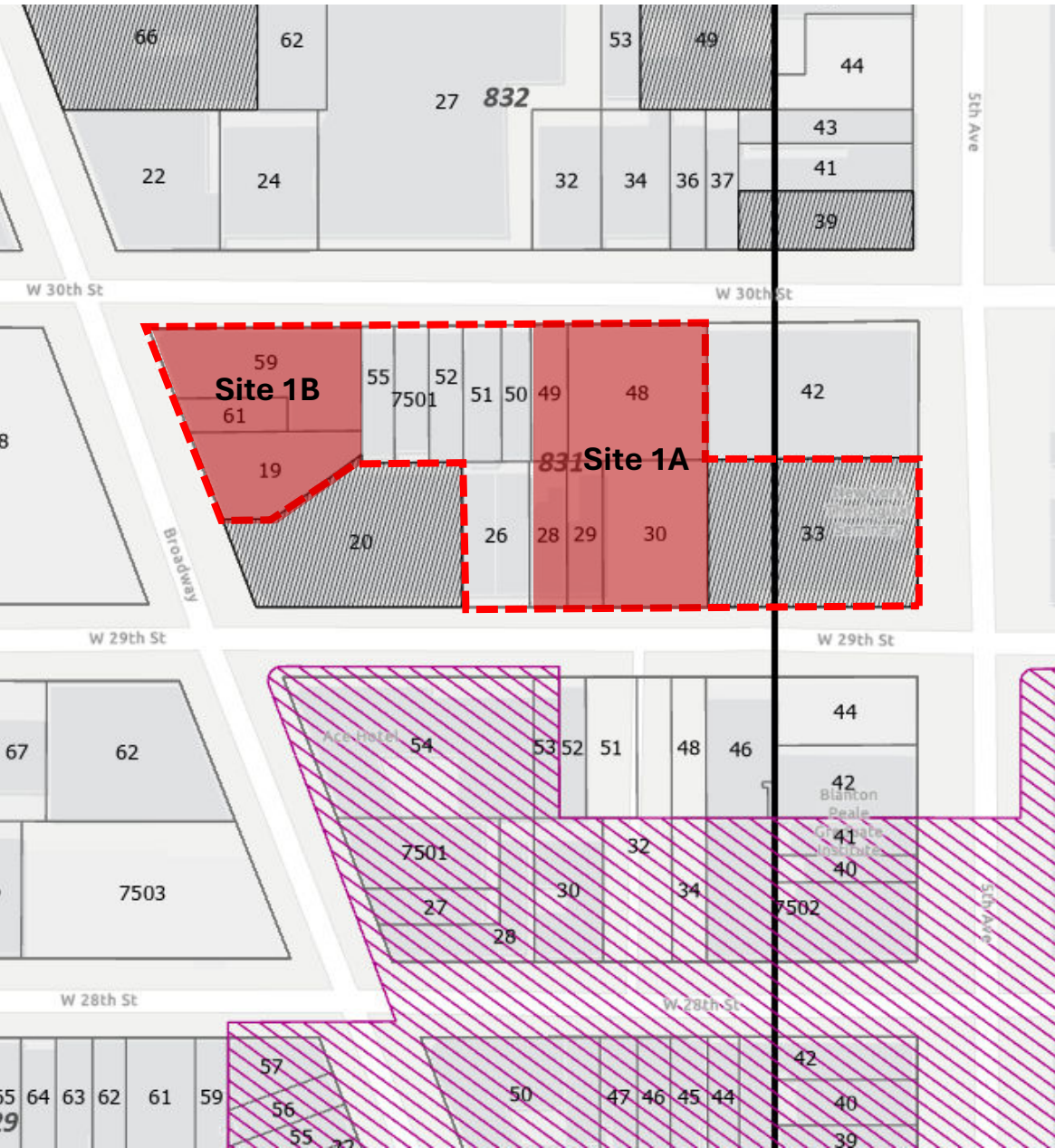
A two-building development permits the affordable housing to be in one building and the market-rate units to be in another. This is desirable especially for condominiums



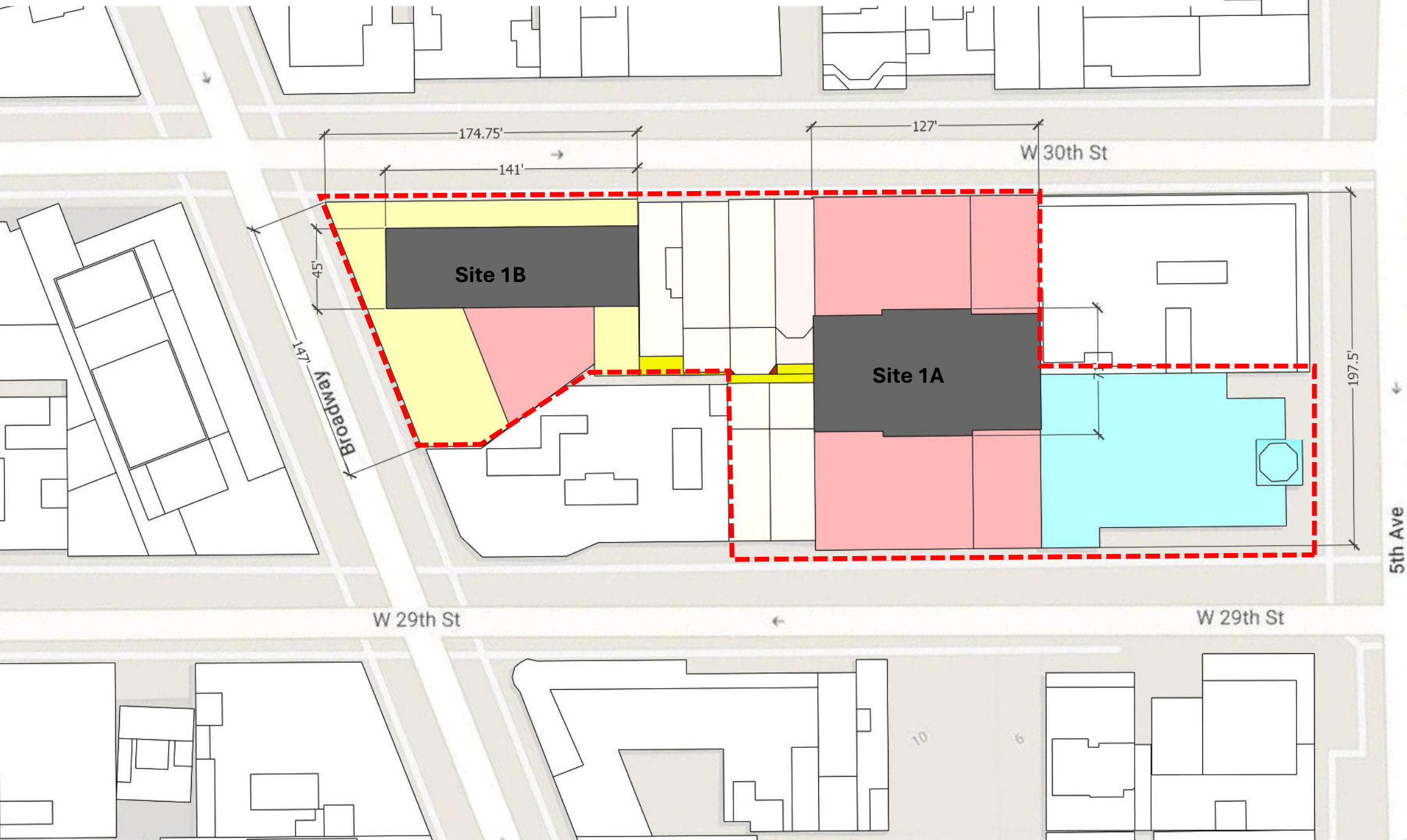
Even though the buildings are large, this development doesn't use all the floor area



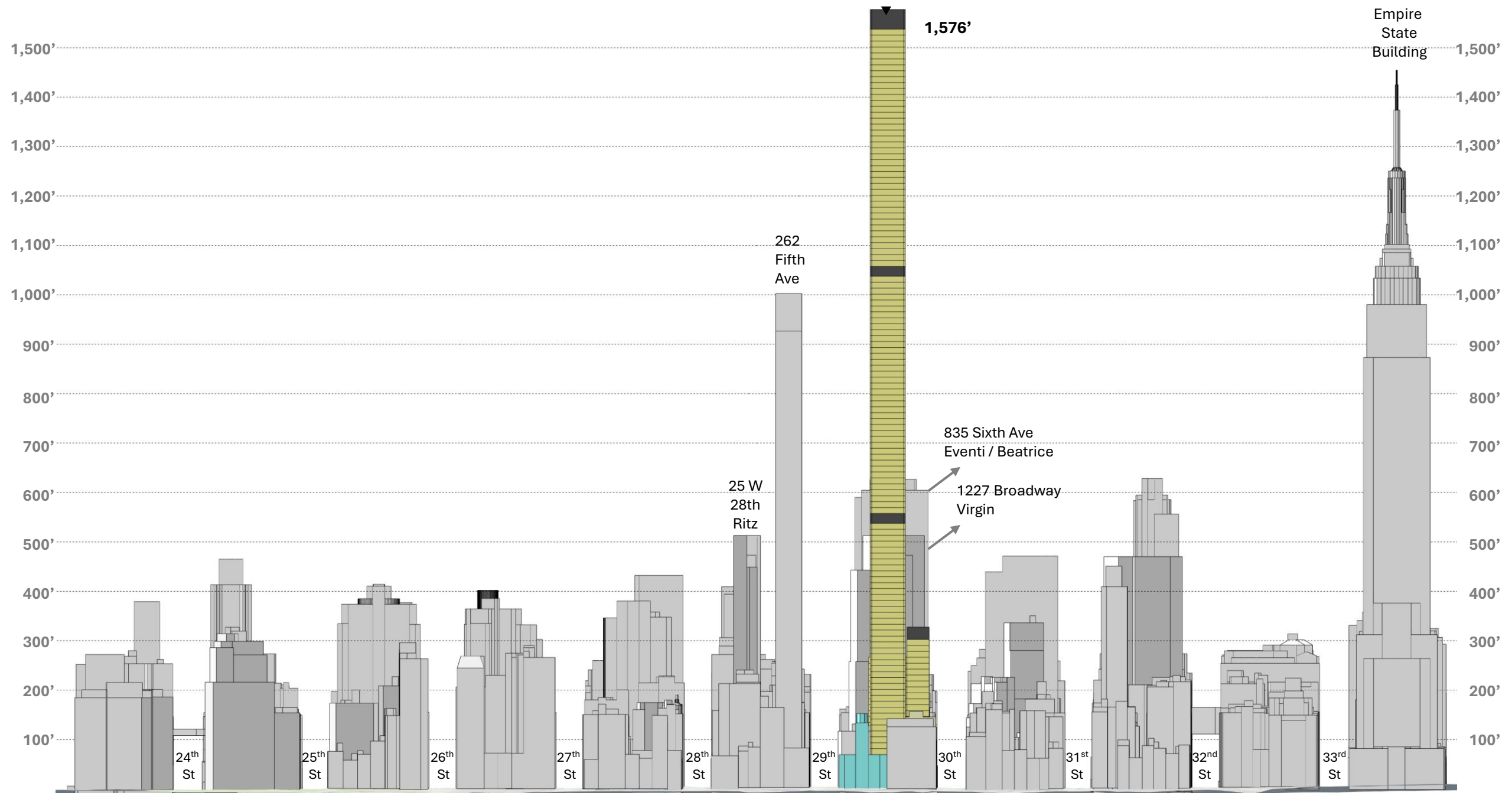
To use more floor area, a more expensive building form could be developed



Site 1 – Block 831, Lots 19, 26, 28, 29, 30, 33, 48, 49, 50, 51, 52, 7501, 55, 59, and 61, Proposed MSMX Zoning



Buildings this tall are expensive and so while possible, this may be impractical



But there are a few comparables

- Central Park Tower is 1,550 feet tall
- It is built at 13.35 FAR

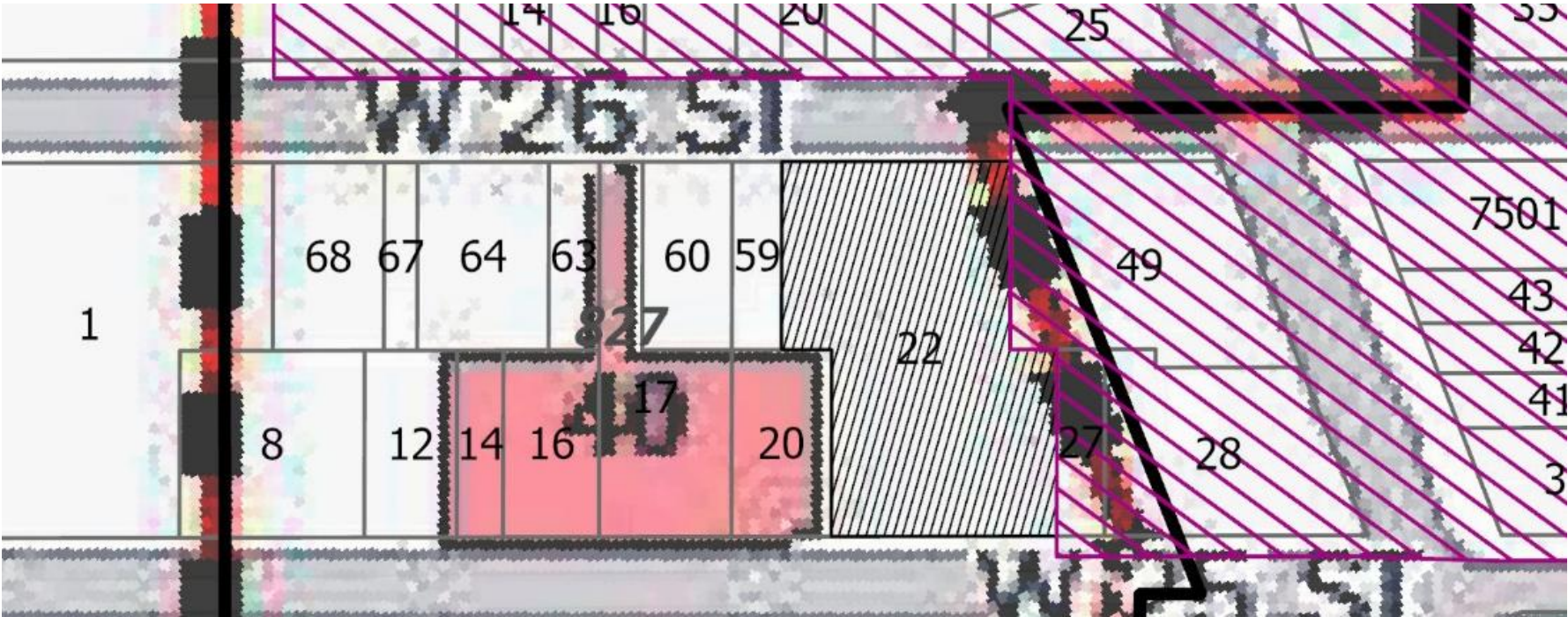


432 Park Avenue is just under 1,400 feet

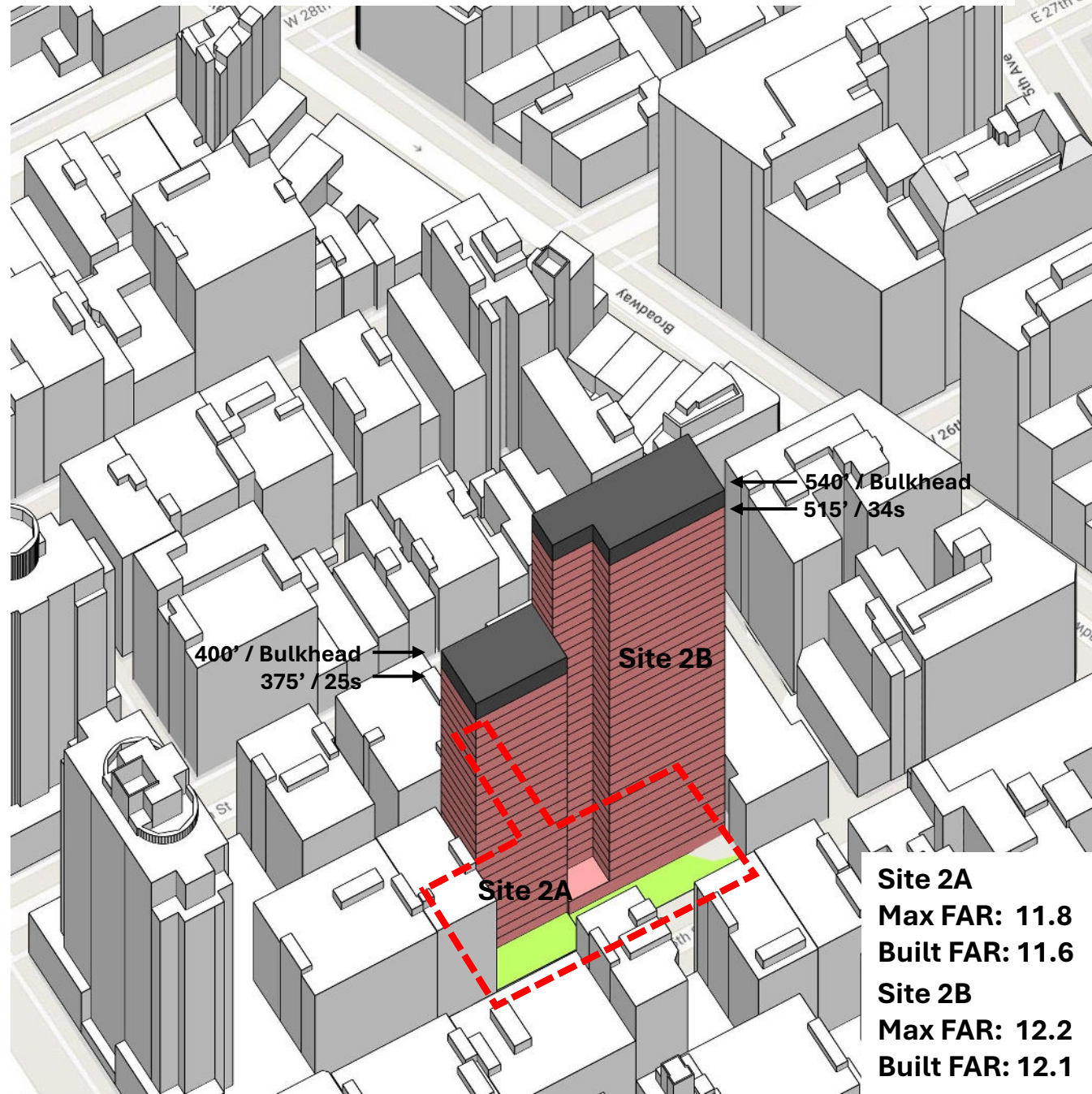
- It is built at 14.14 FAR



Our second site is between W 25th and W 26th Street between Broadway and Sixth Avenue

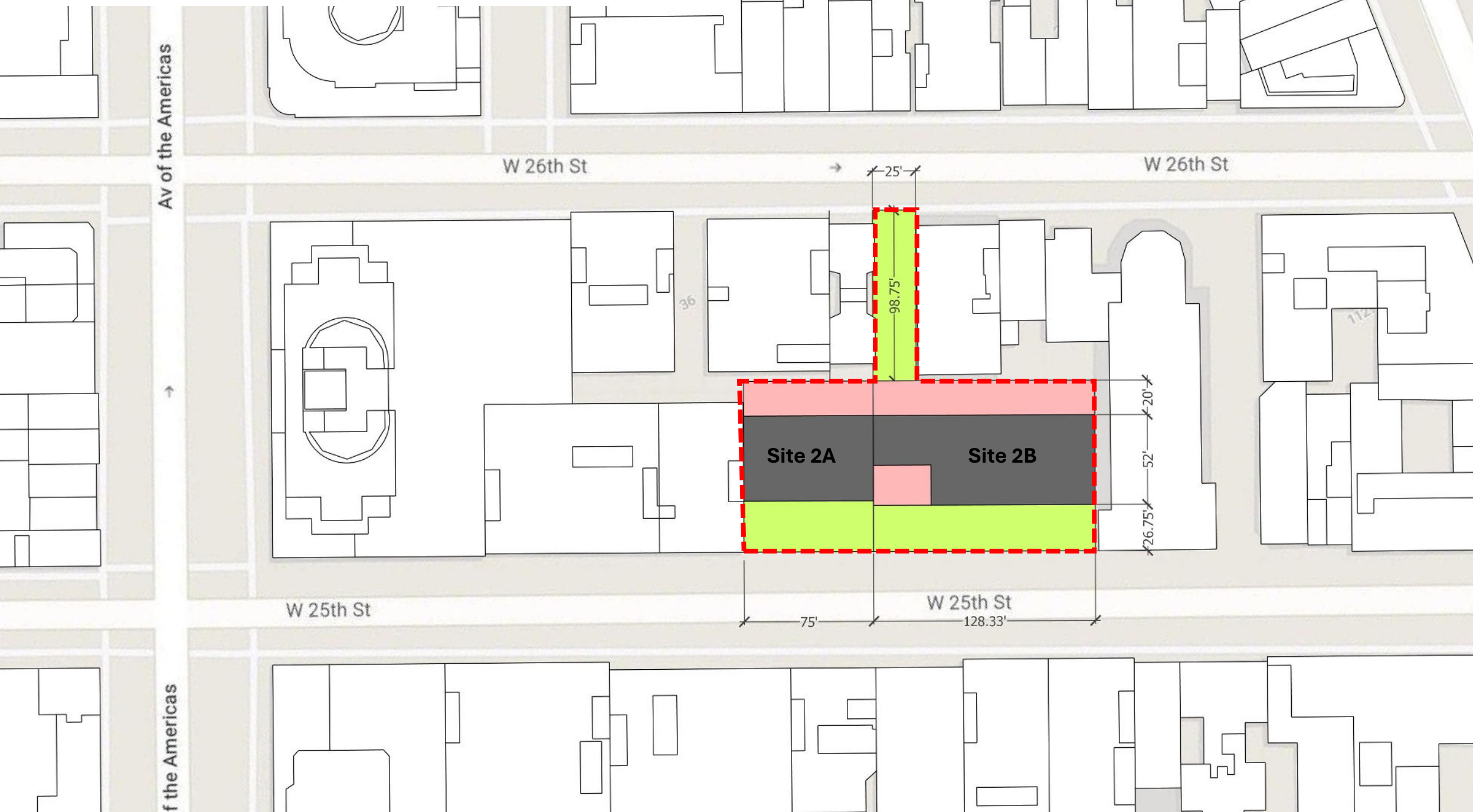


Under current zoning, we might see a pair of commercial towers like this

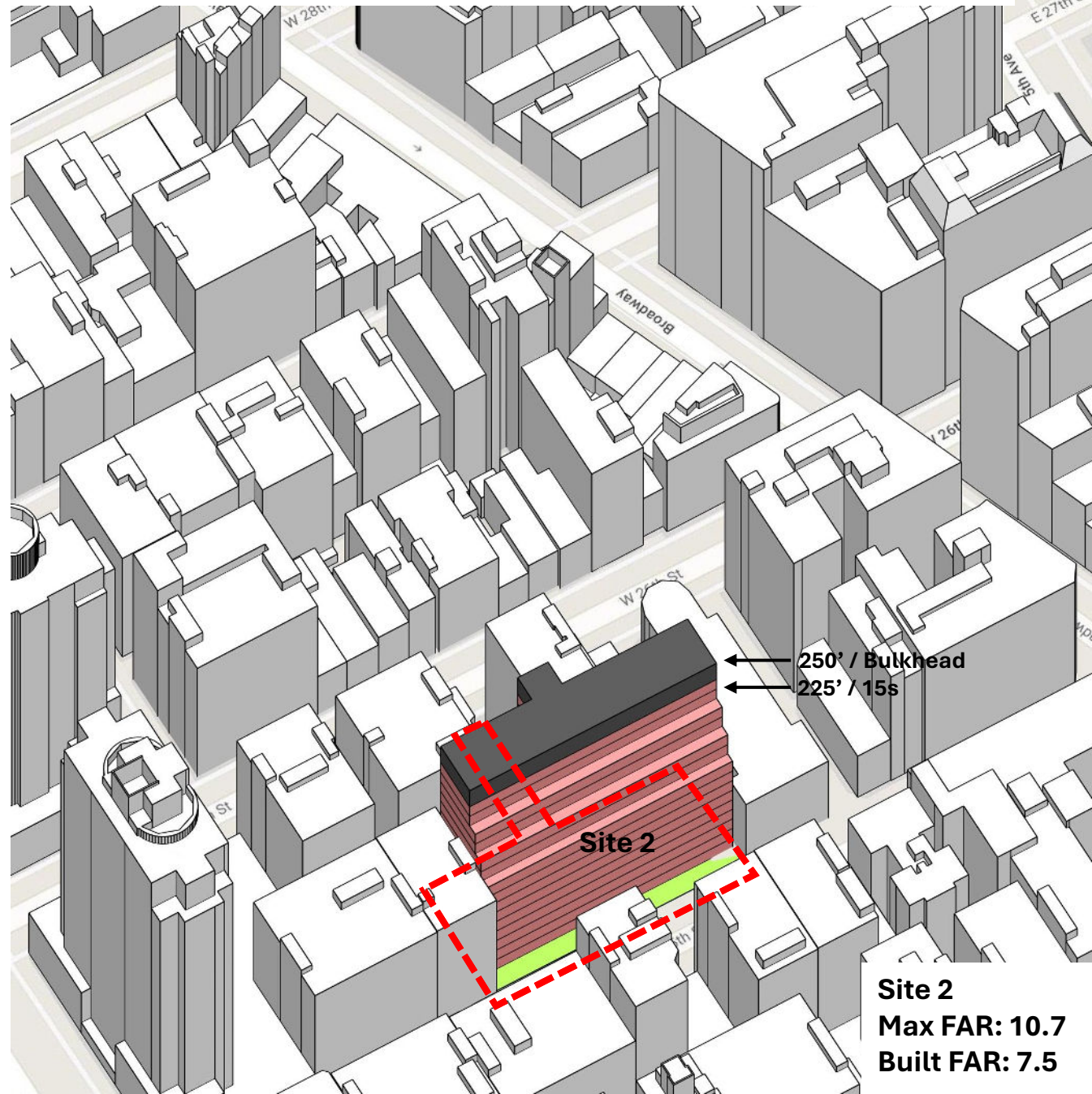


Site 2A
Max FAR: 11.8
Built FAR: 11.6
Site 2B
Max FAR: 12.2
Built FAR: 12.1

Site 2 – Block 827, Lots 14, 16, 17, and 20, Existing Zoning (Towers)

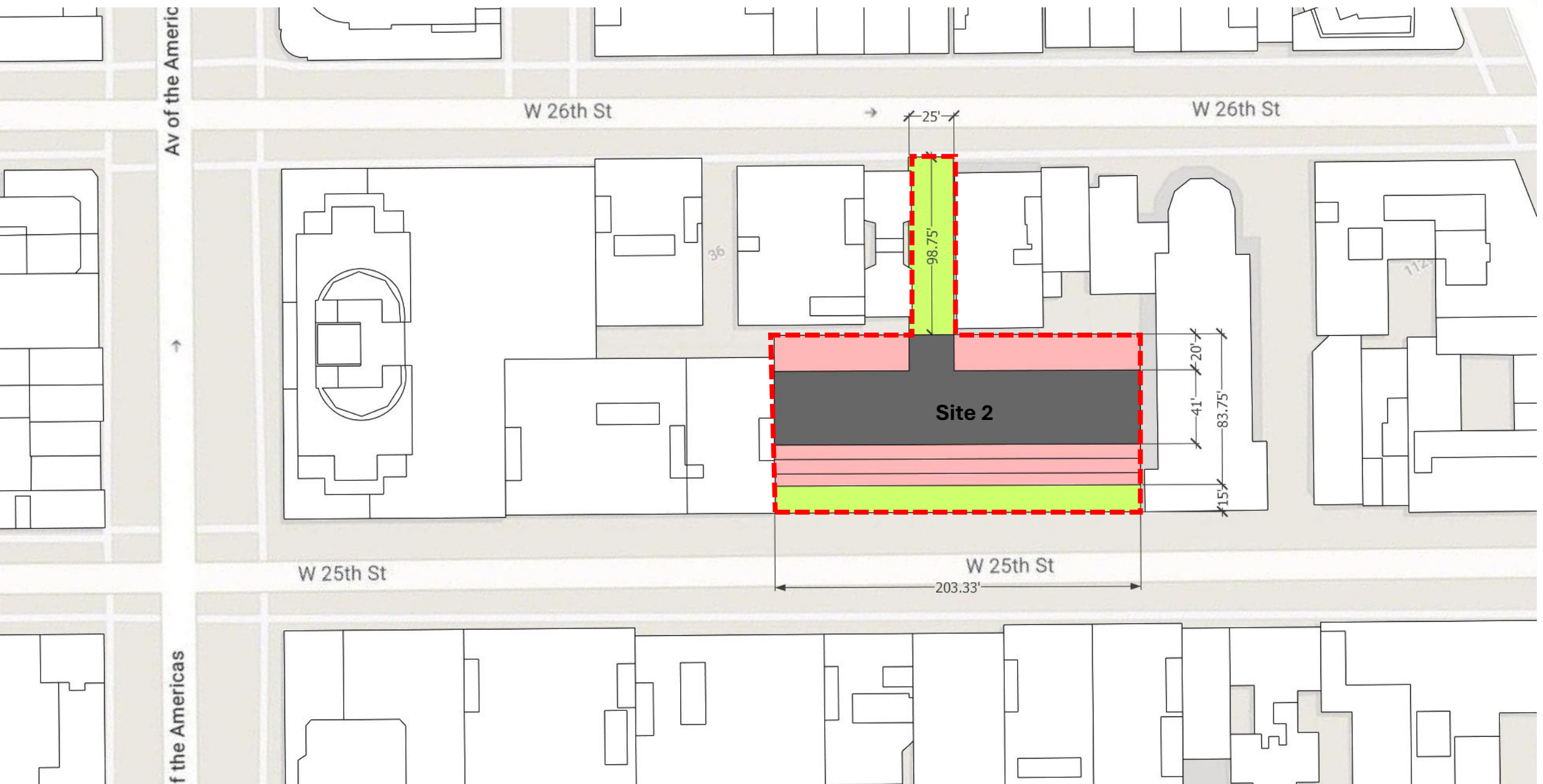


Or a height and setback building like this

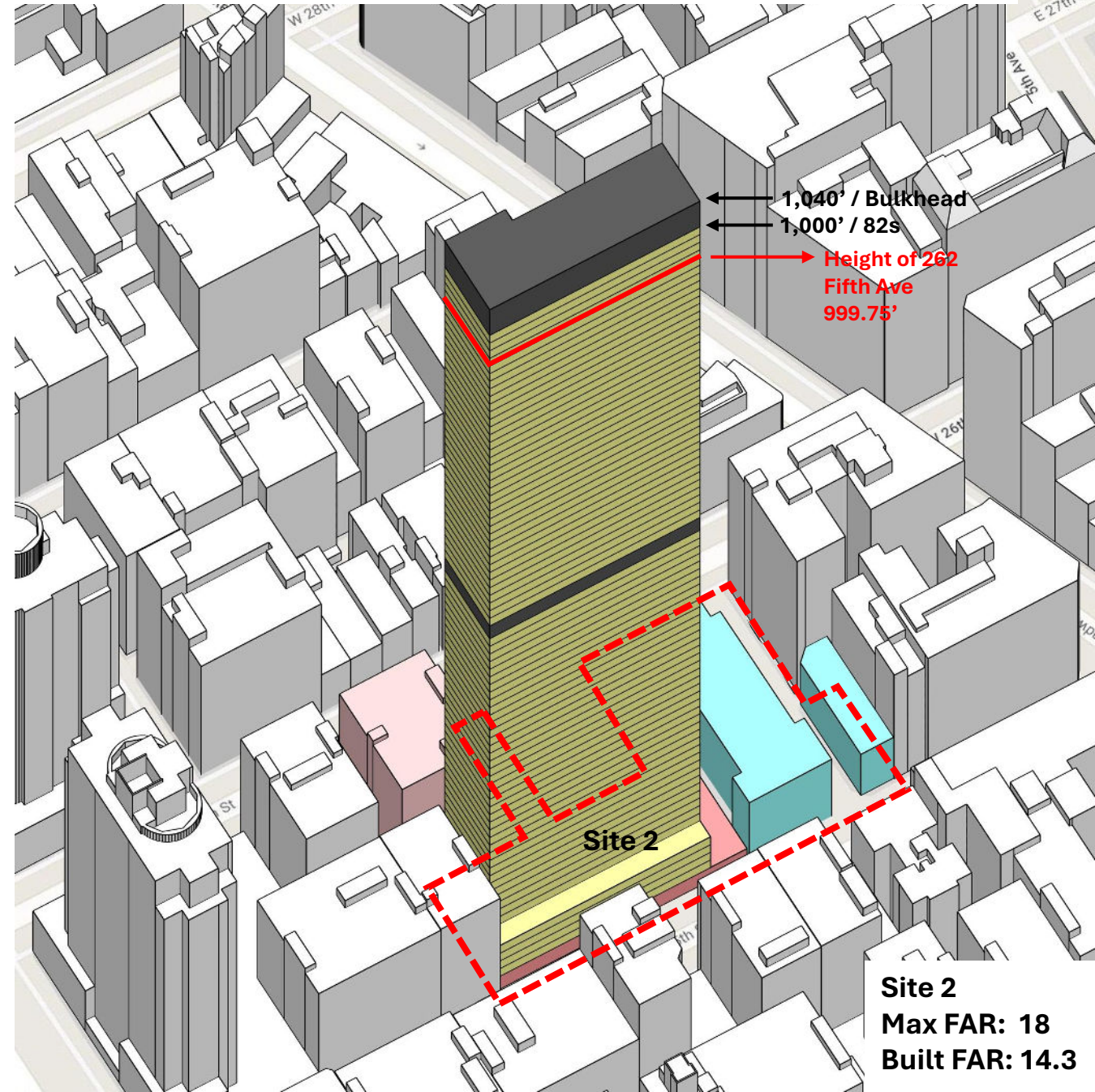


Site 2
Max FAR: 10.7
Built FAR: 7.5

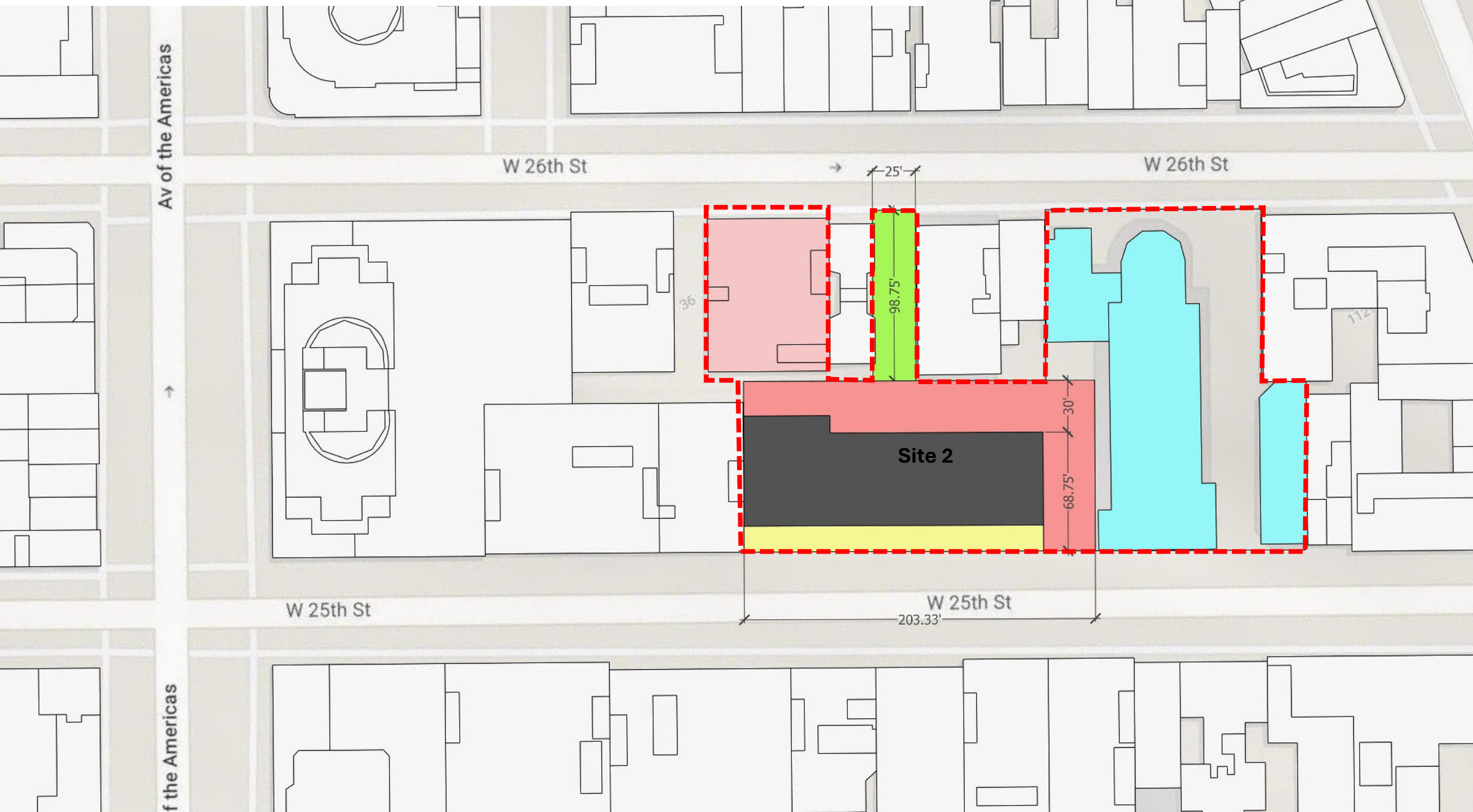
In either case, a zoning lot merger is unlikely due to the difficulty of effectively using the floor area



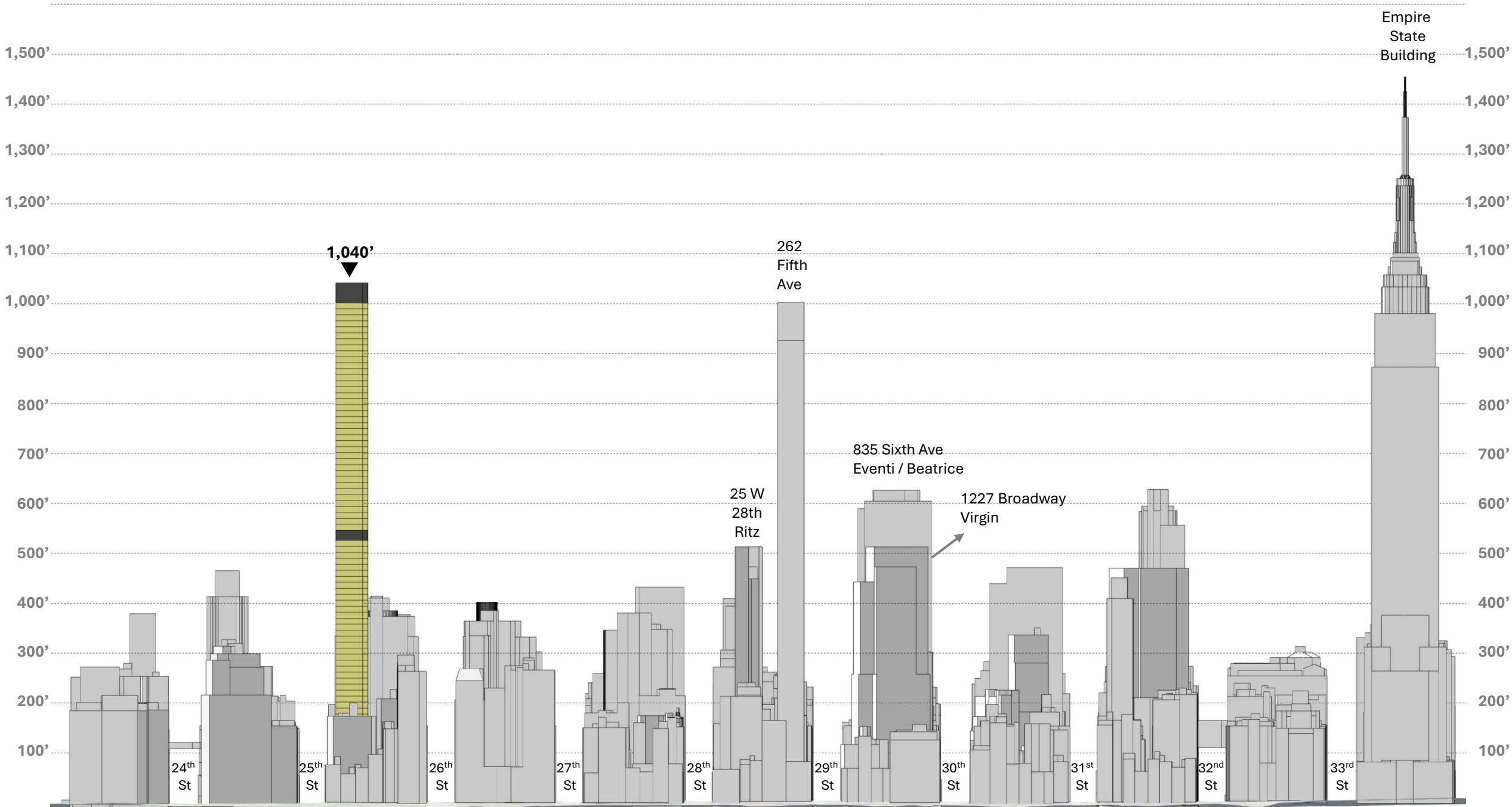
With the proposed zoning, a residential tower would be permitted



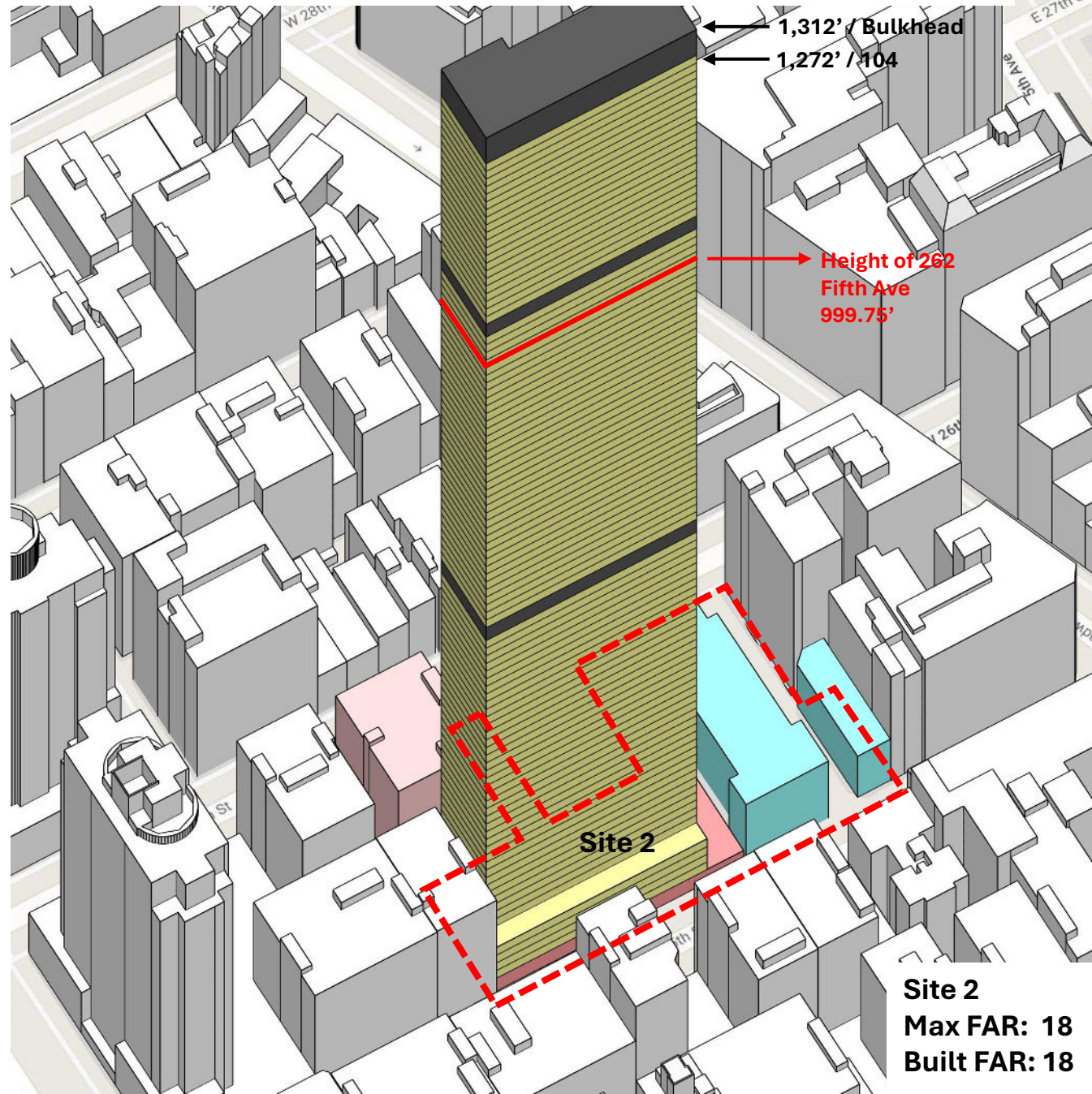
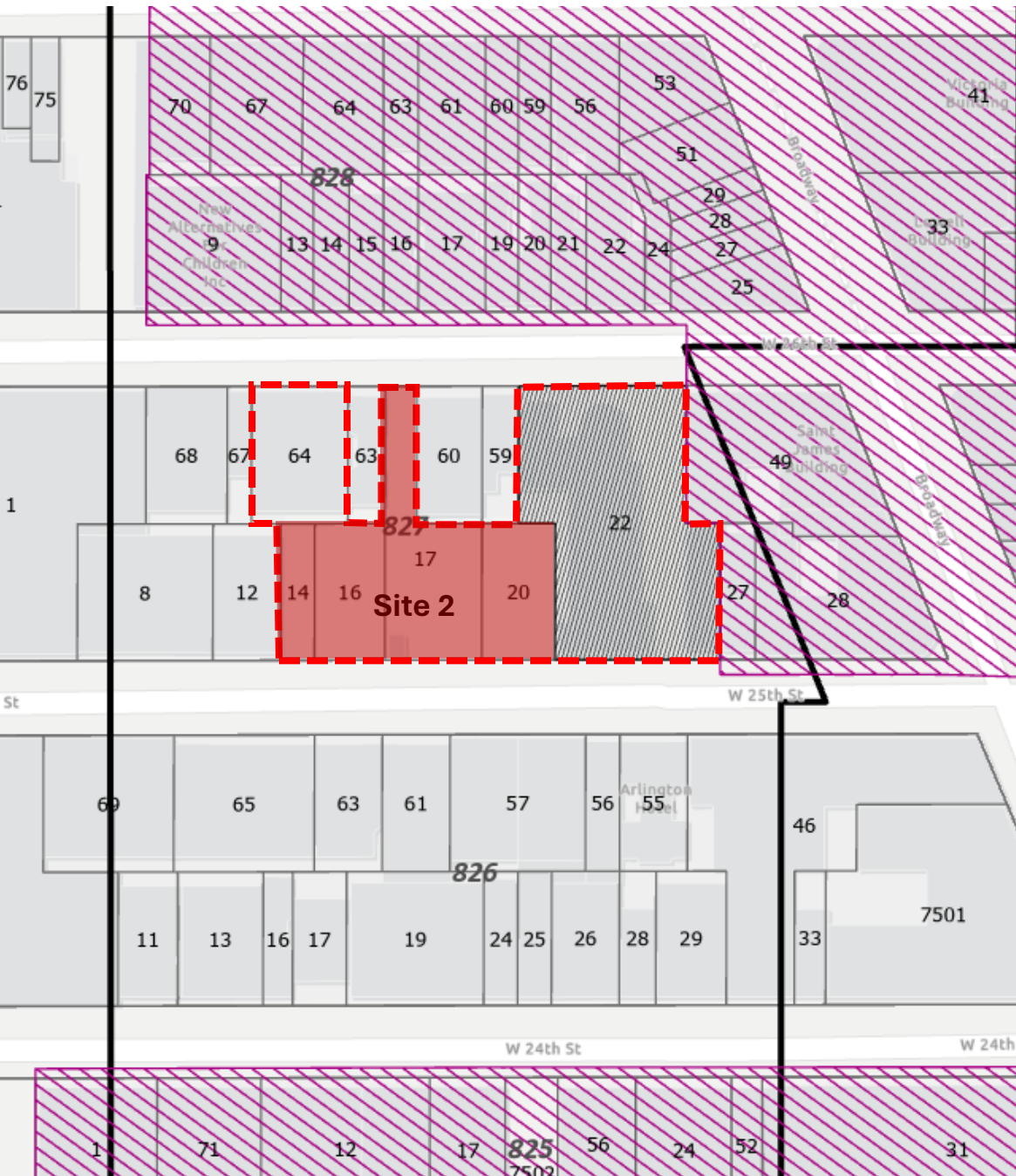
Site 2 – Block 827, Lots 14, 16, 17, 20, 22, and 64, Proposed MSMX Zoning



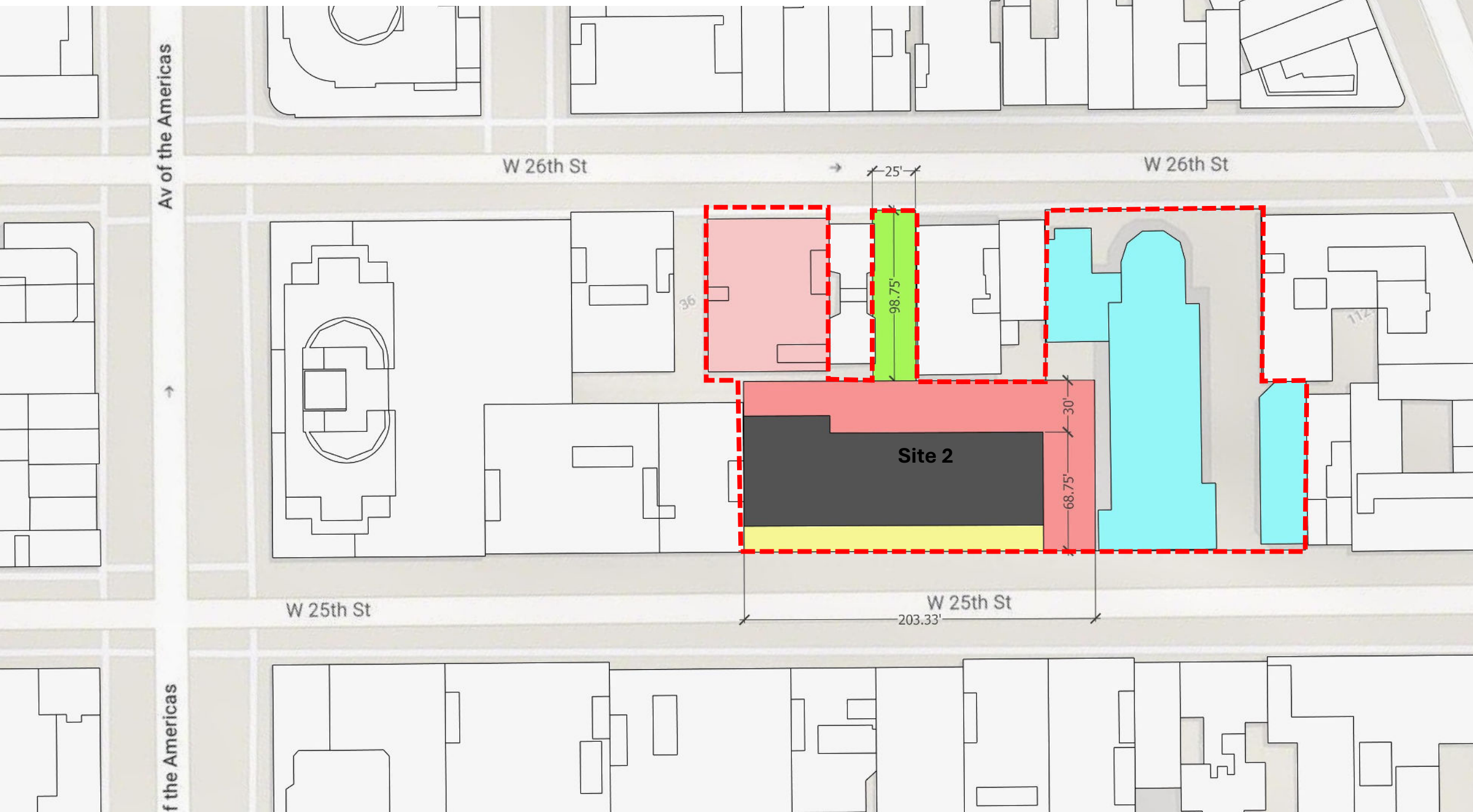
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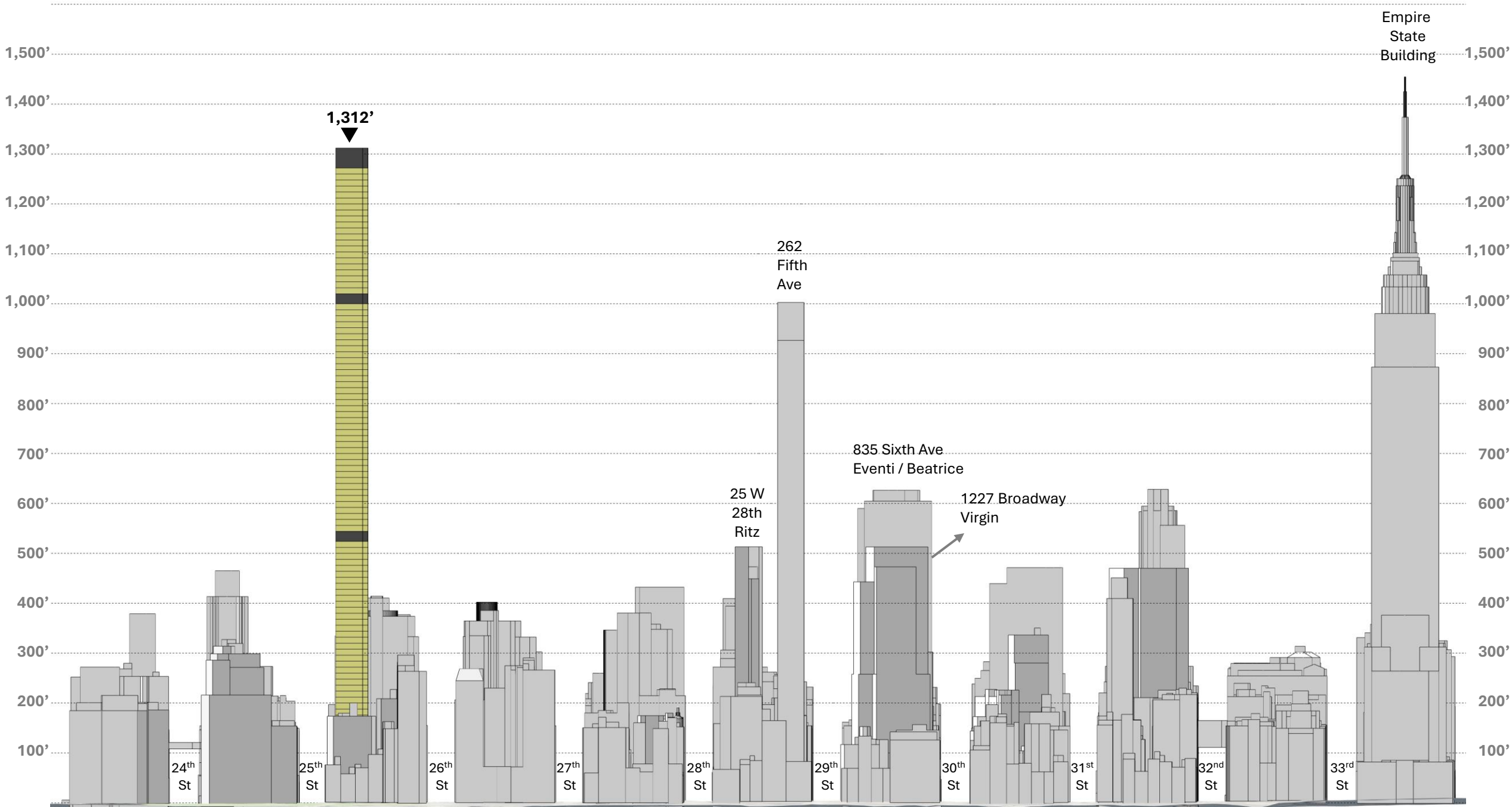
Using all floor area, this would produce a tower that is likely too expensive



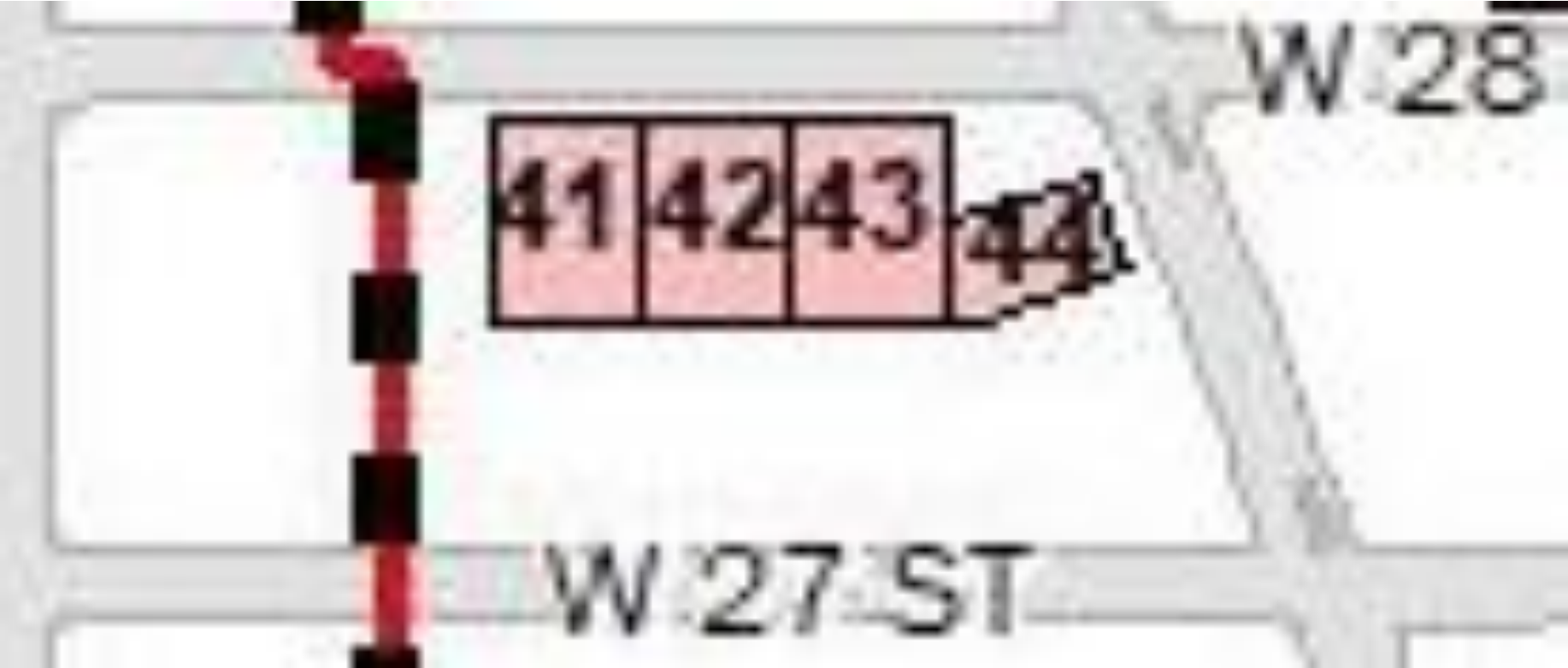
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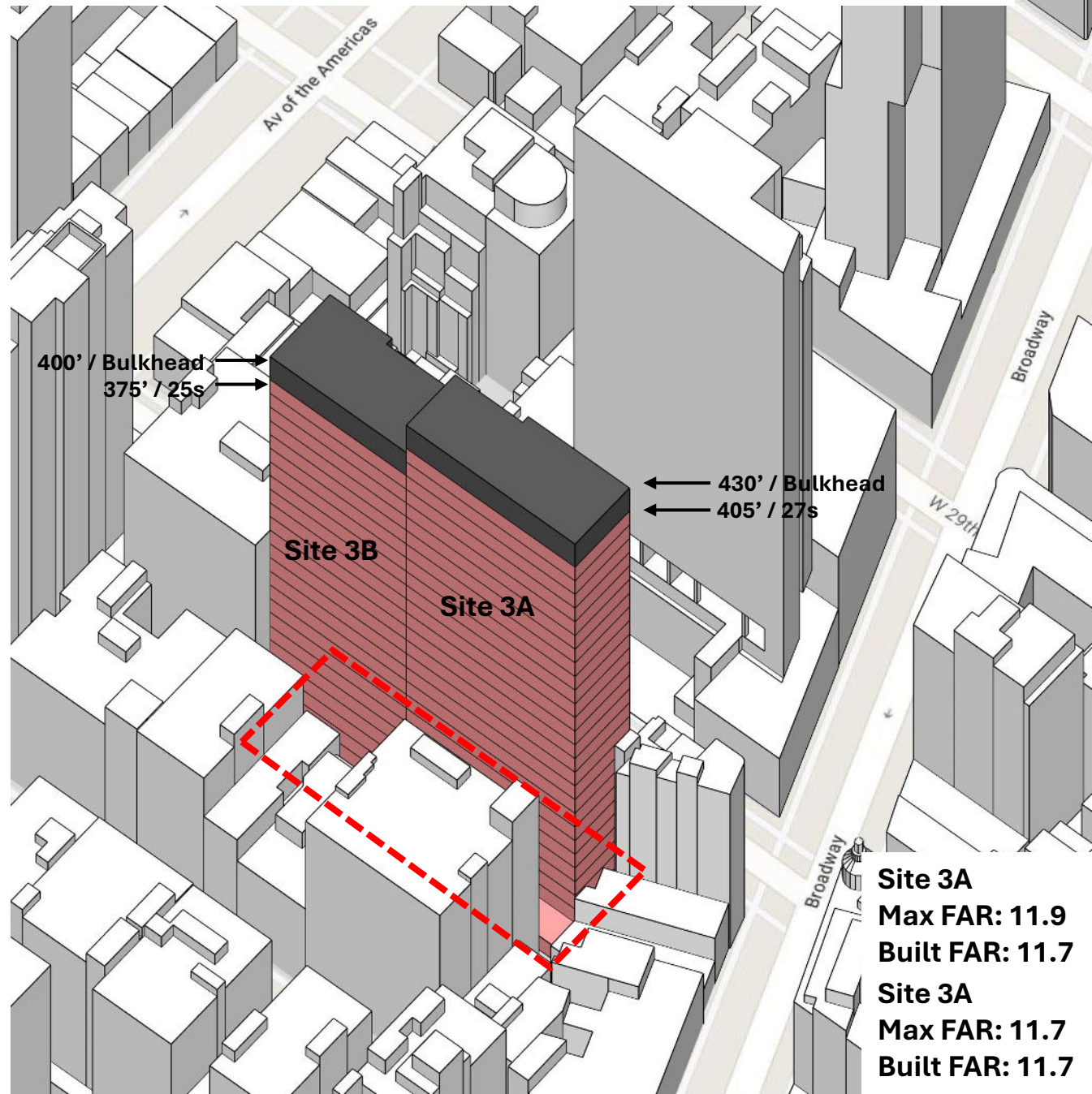
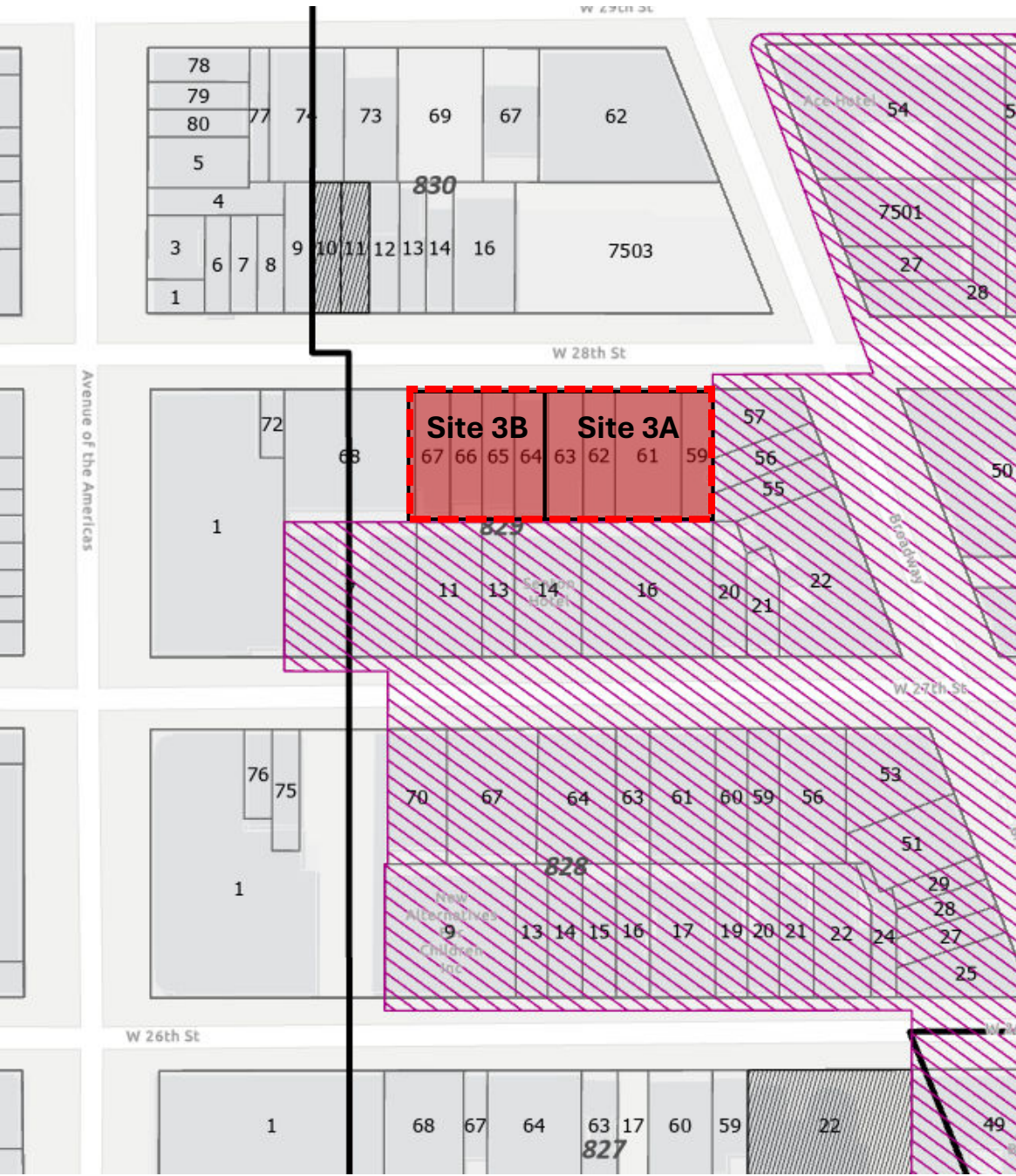
Site 2 – Block 827, Lots 14, 16, 17, 20, 22, and 64, Proposed MSMX Zoning



Our third site is between W 27th and W 28th Street between Broadway and Sixth Avenue

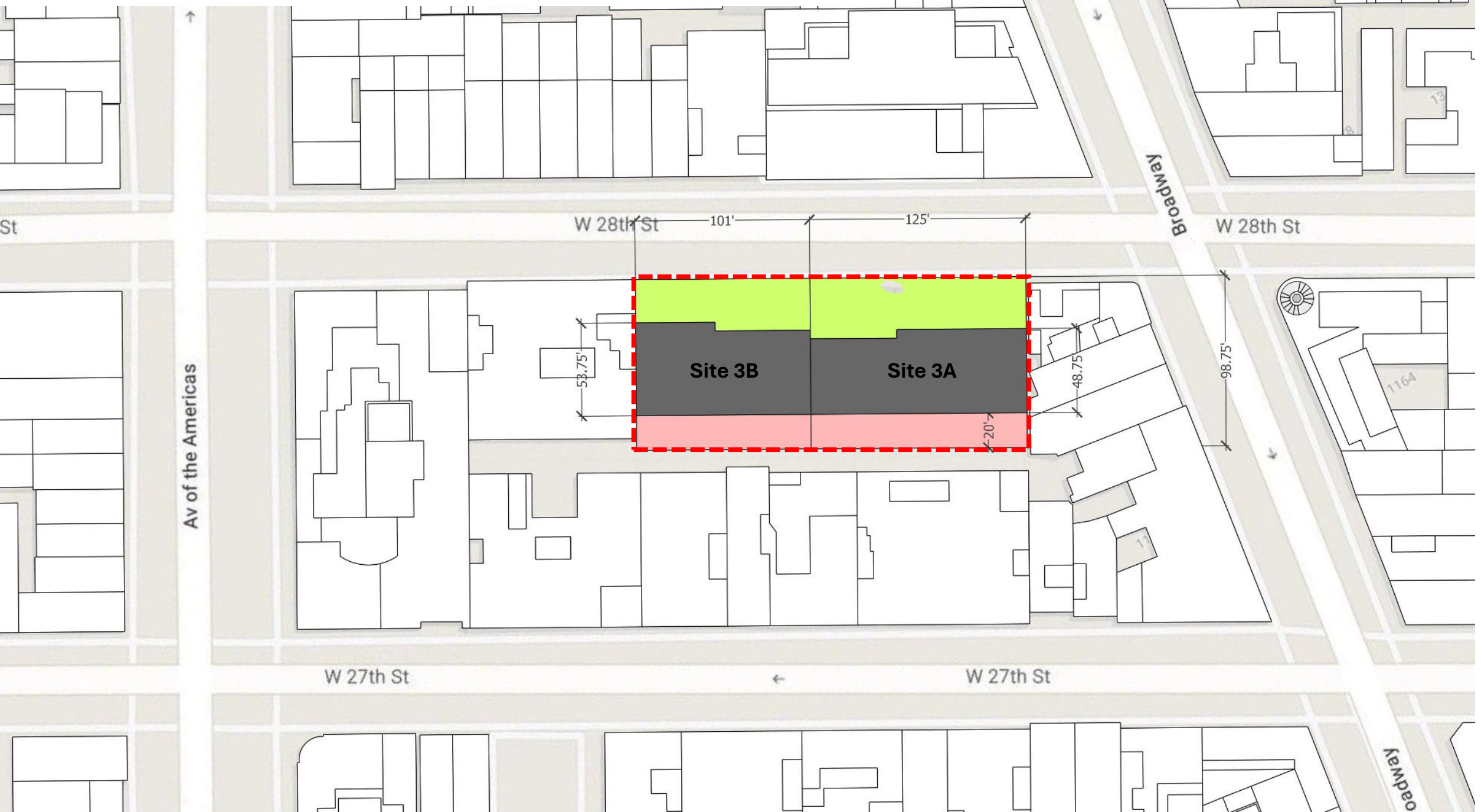


Under current zoning, we'd likely see two separate commercial towers on this site

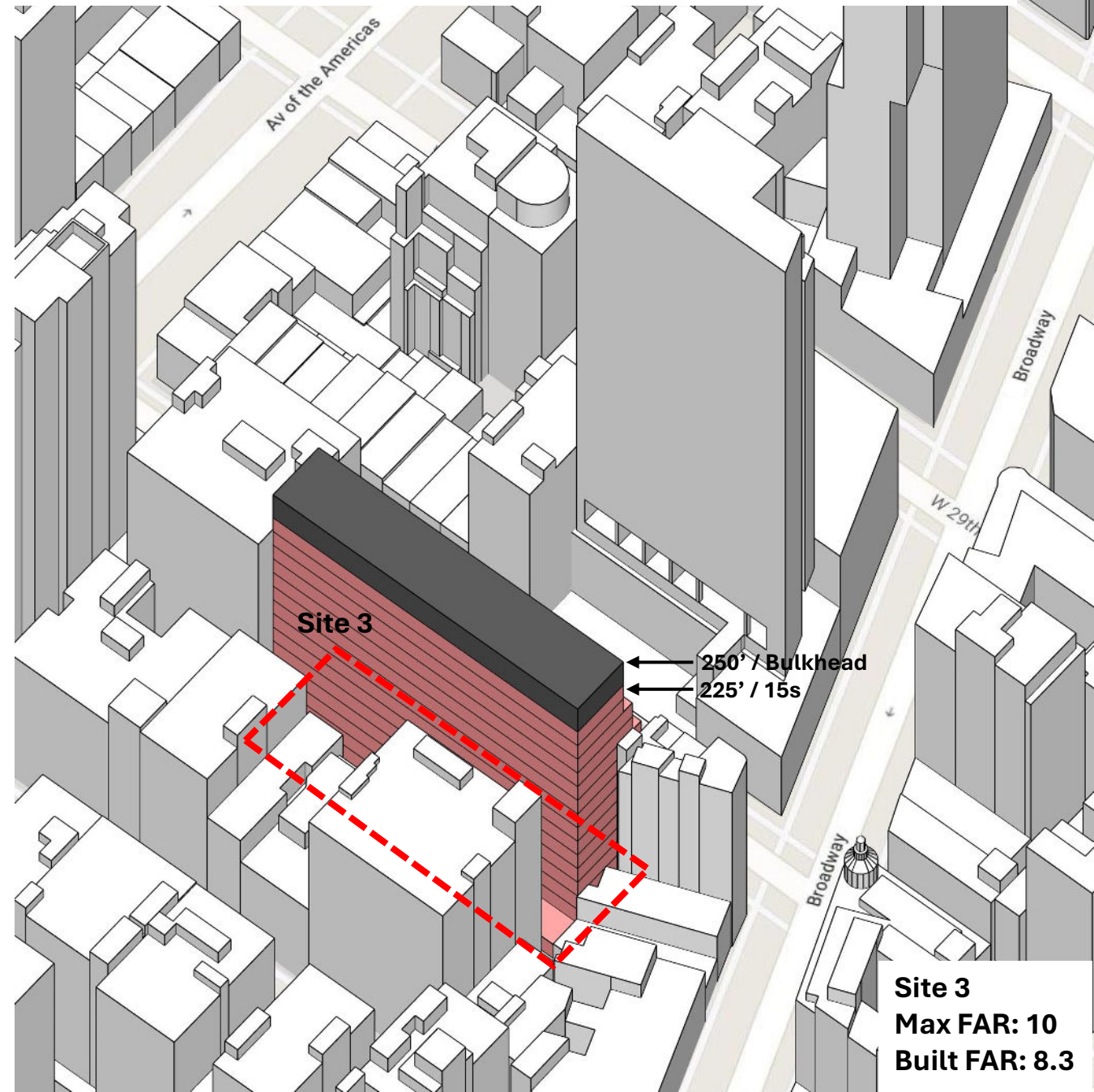
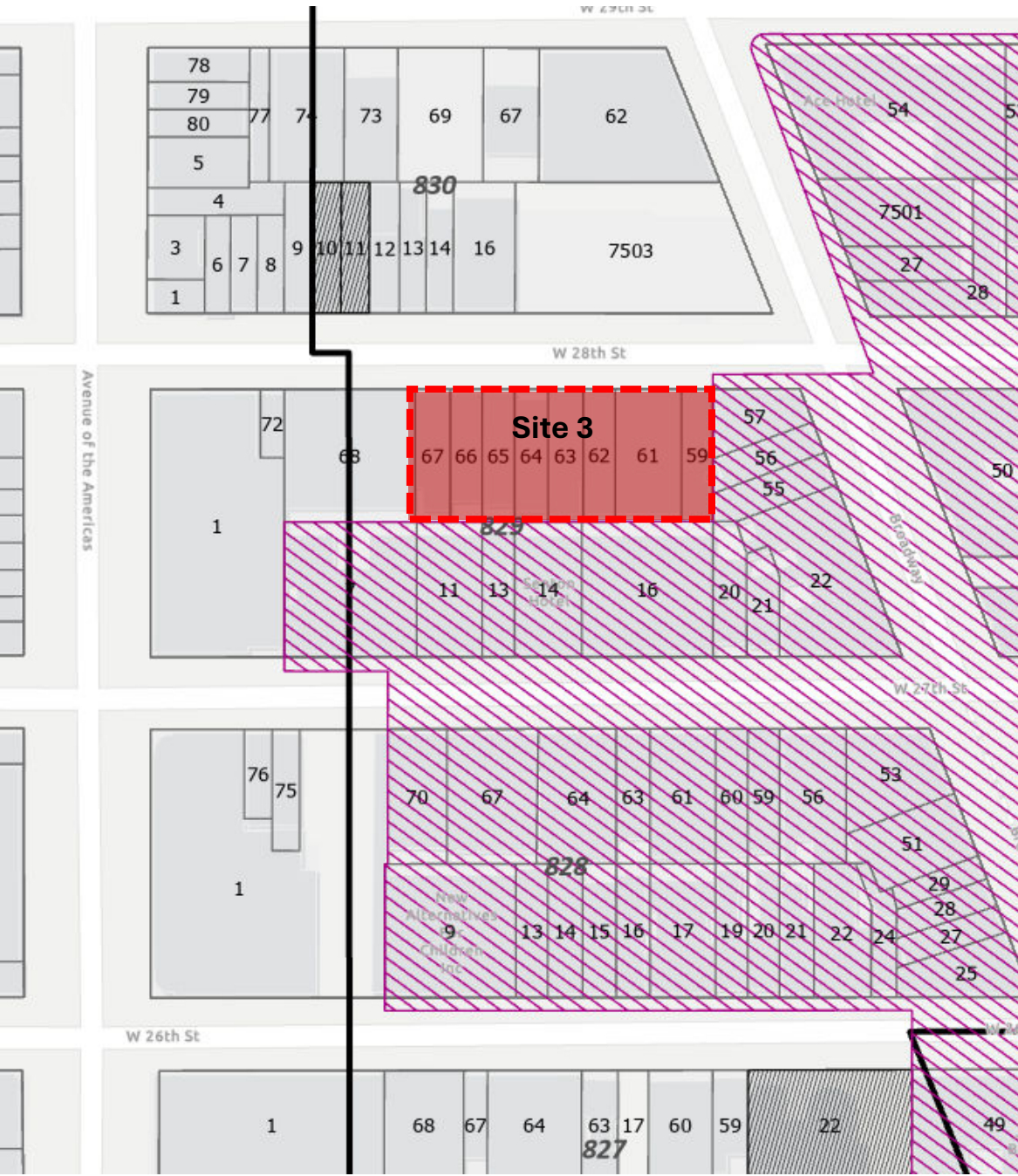


Site 3A
 Max FAR: 11.9
 Built FAR: 11.7
Site 3A
 Max FAR: 11.7
 Built FAR: 11.7

Site 3 – Block 829, Lots 59, and 61-67, Existing Zoning (Towers)

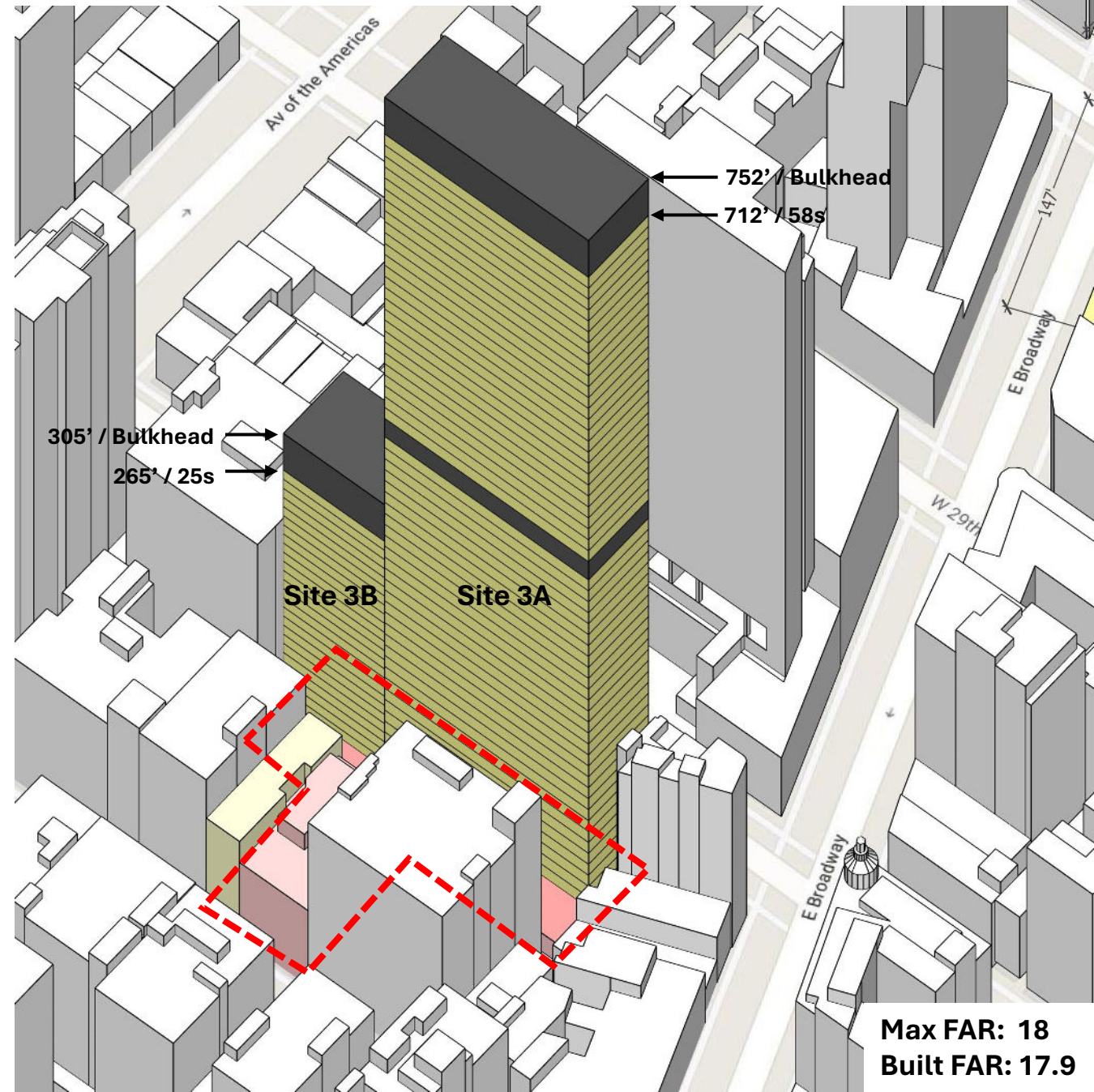
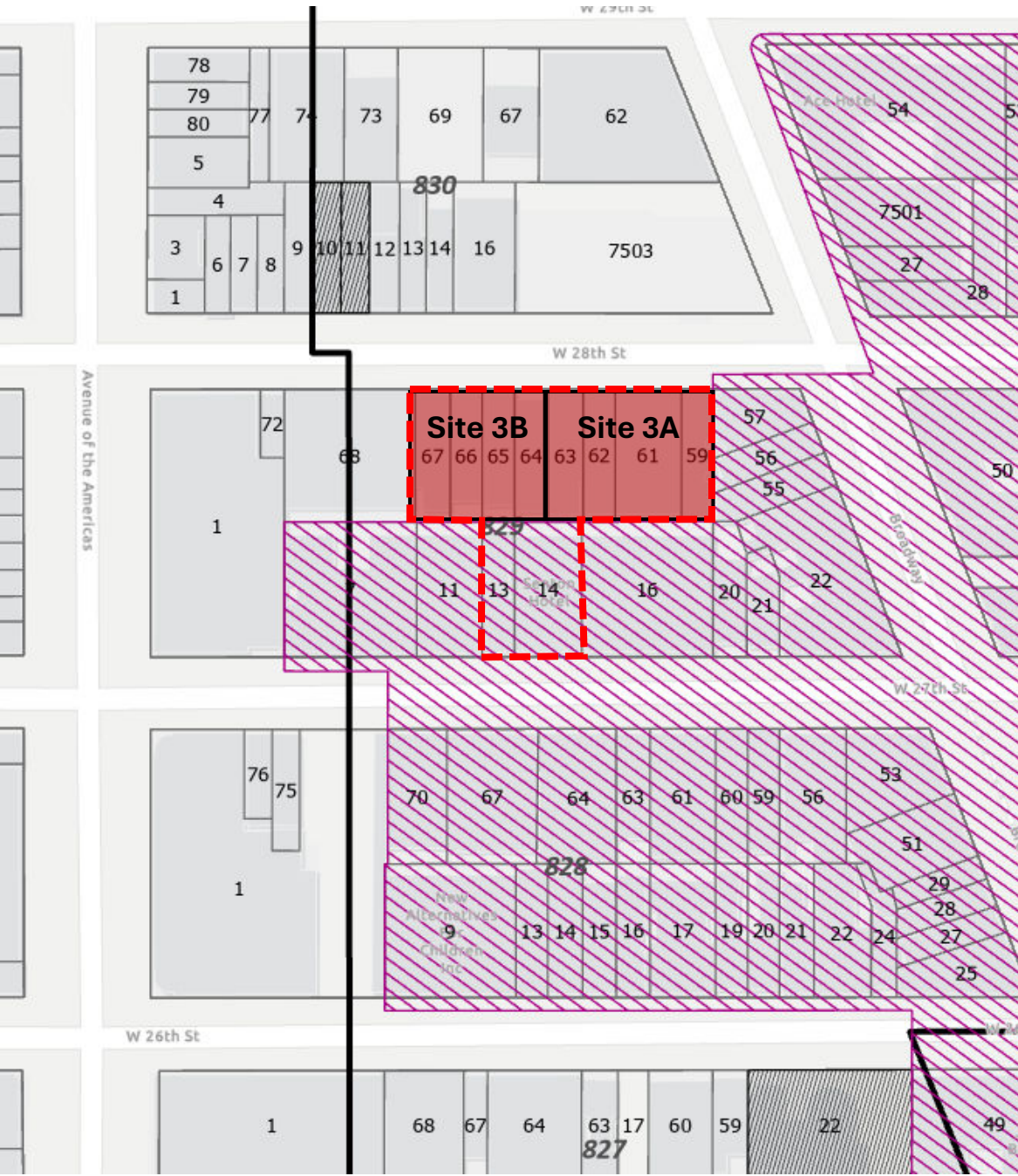


Or, we might see a height and setback building using current zoning

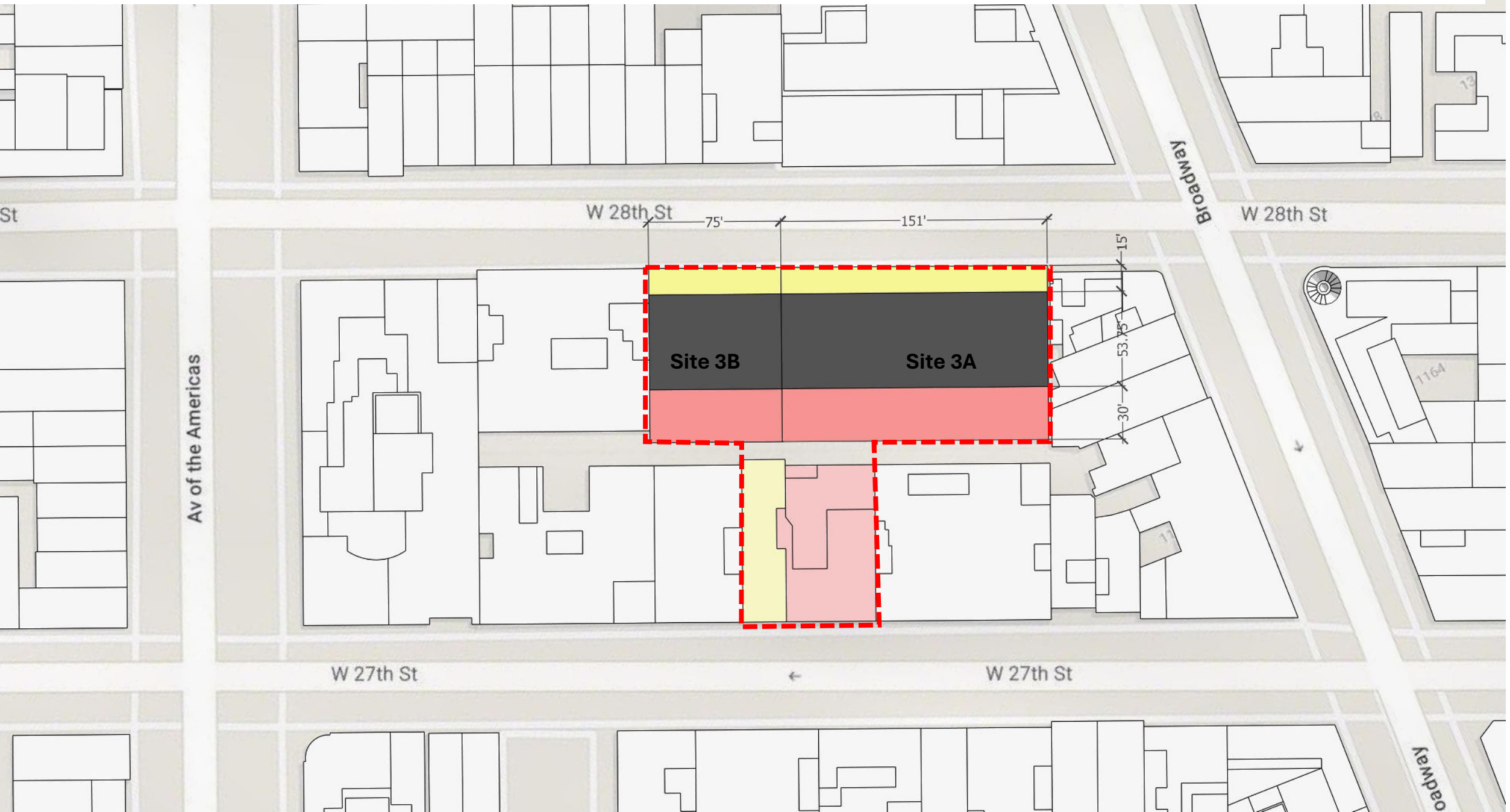


Site 3
Max FAR: 10
Built FAR: 8.3

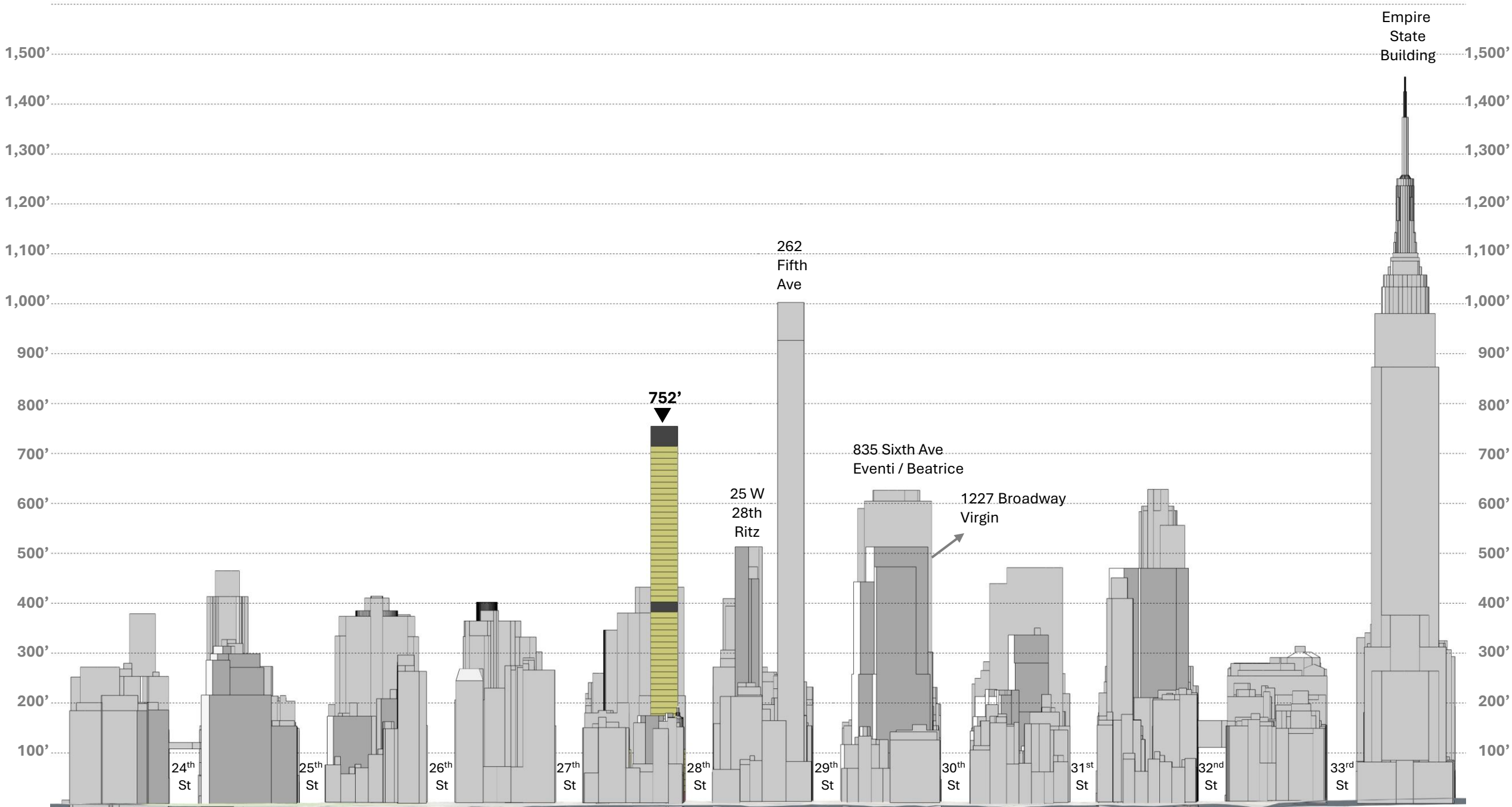
Under proposed zoning, we'd likely see a two-building development



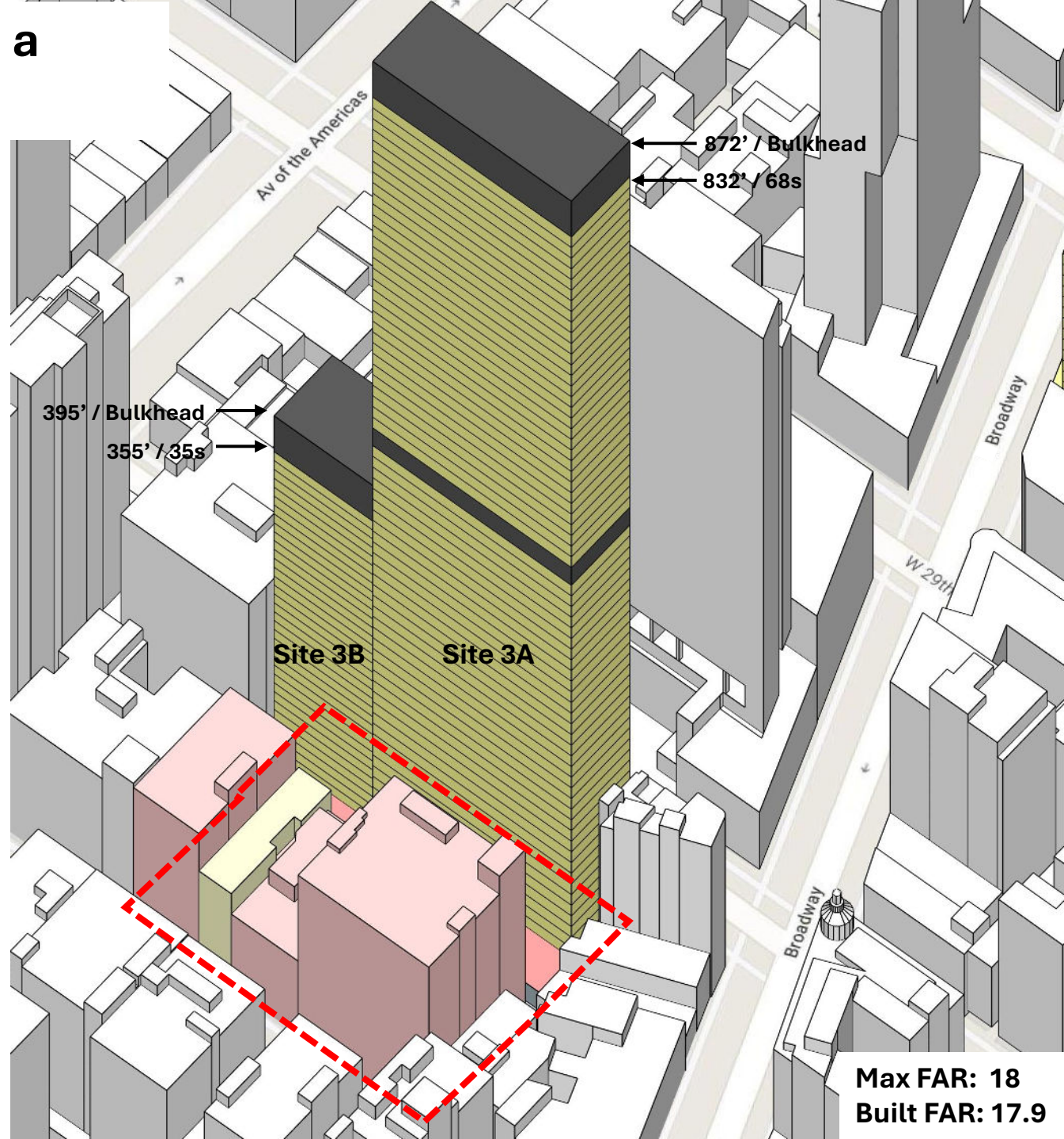
A two-building development would allow an affordable and a market-rate building



Site 3 – Block 829, Lots 13, 14, 59, and 61-67, Proposed MSMX Zoning

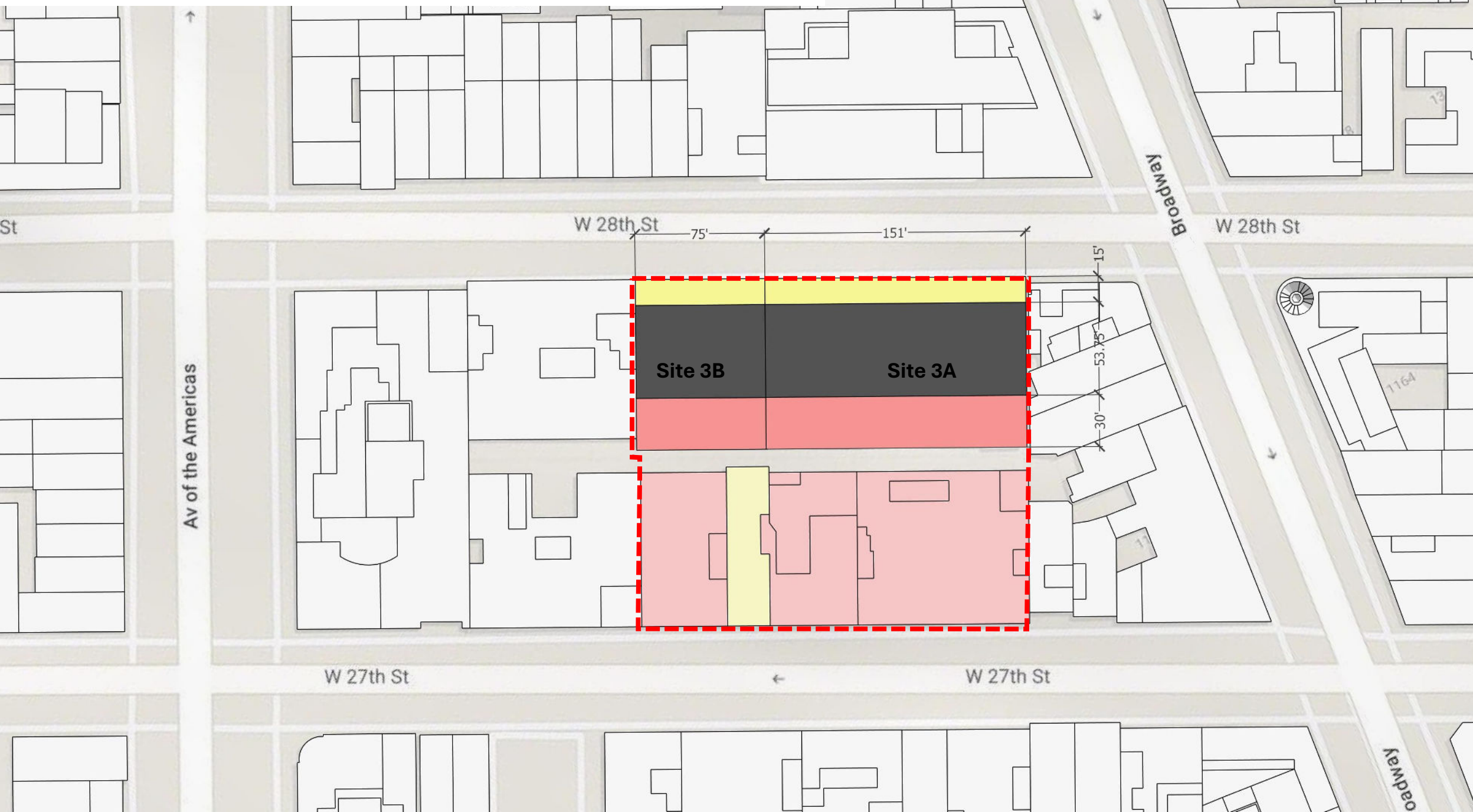


We could expand the zoning lot and make a larger/taller building

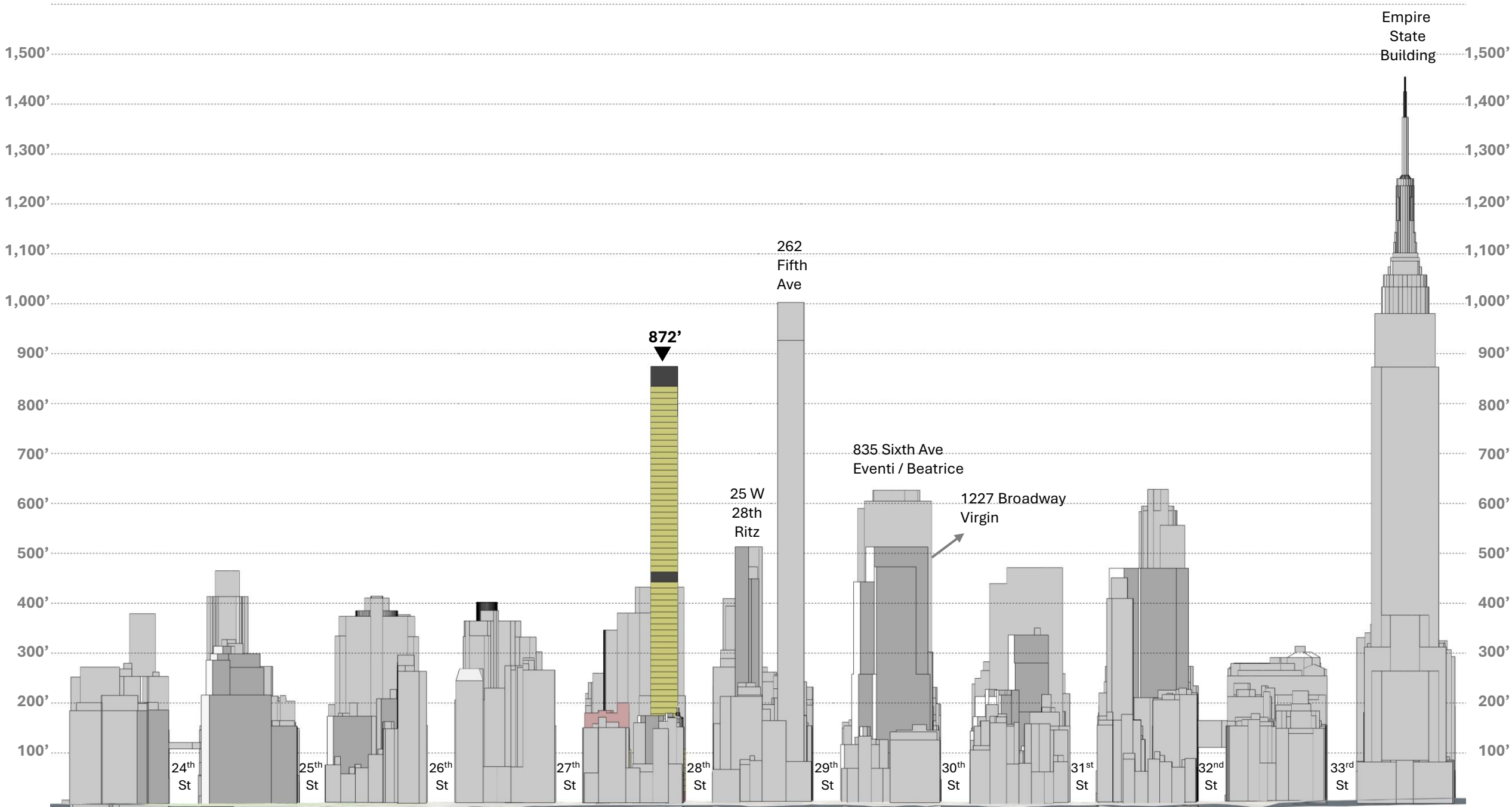


**Max FAR: 18
Built FAR: 17.9**

Site 3 – Block 829, Lots 11, 13, 14, 16, 59, and 61-67, Proposed MSMX Zoning



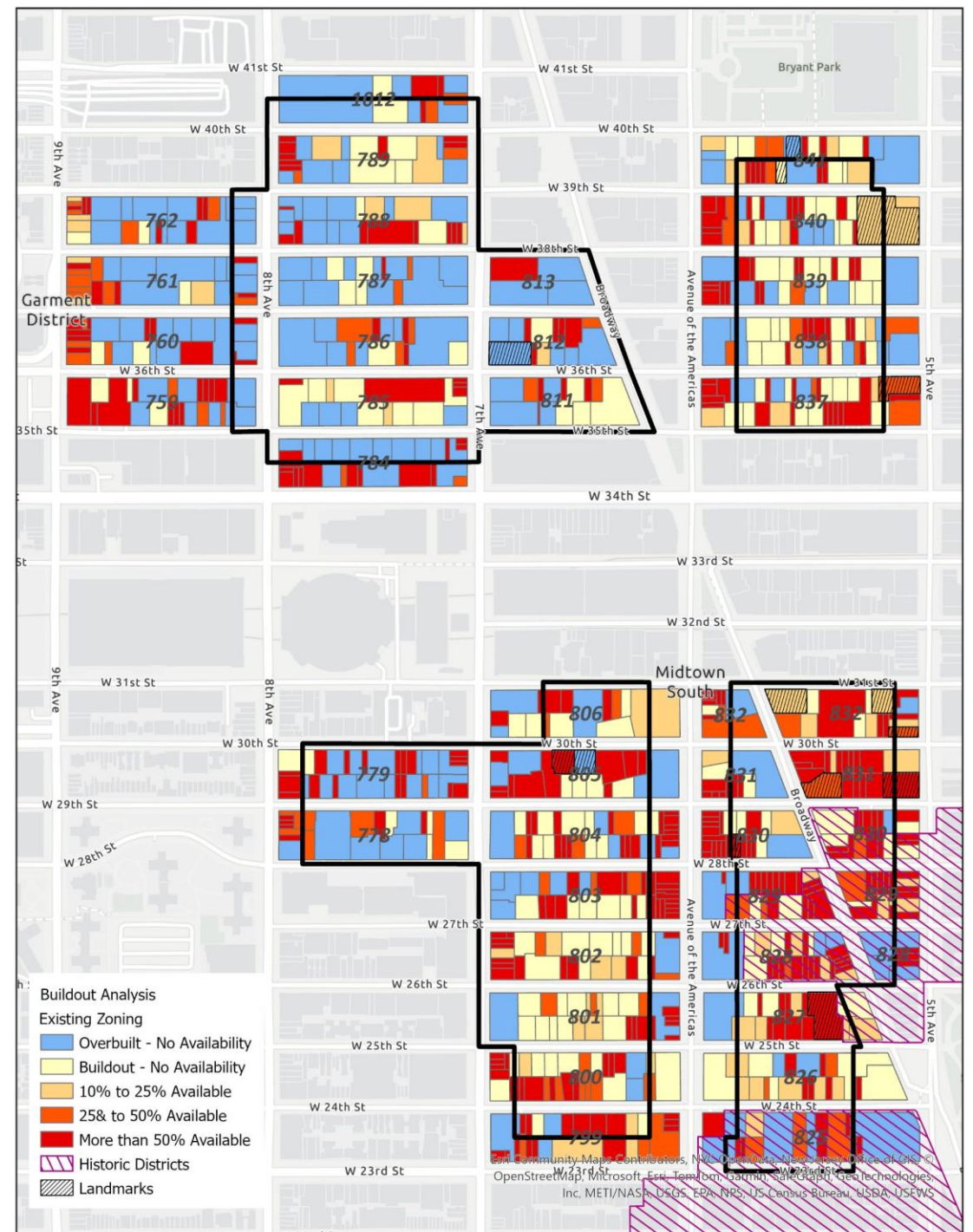
Site 3 – Block 829, Lots 11, 13, 14, 16, 59, and 61-67, Proposed MSMX Zoning



But that's just three sites.

Where else might we see assemblages?

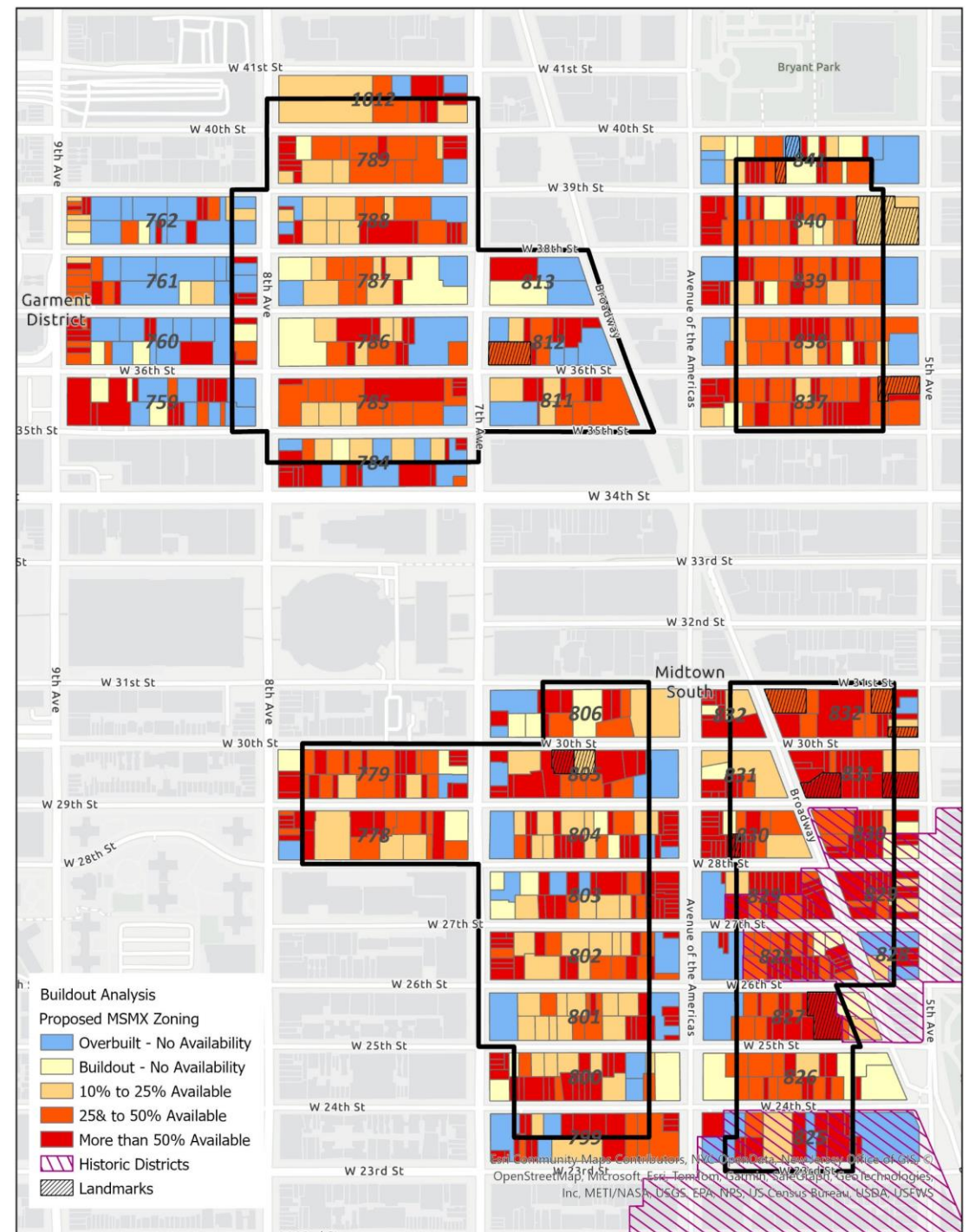
- This is a soft site map under current zoning
- Generally, if a site is underbuilt by 50% or more, it is considered a “soft site” and is colored in dark red
- Under current zoning, the southeast quadrant has the most soft sites



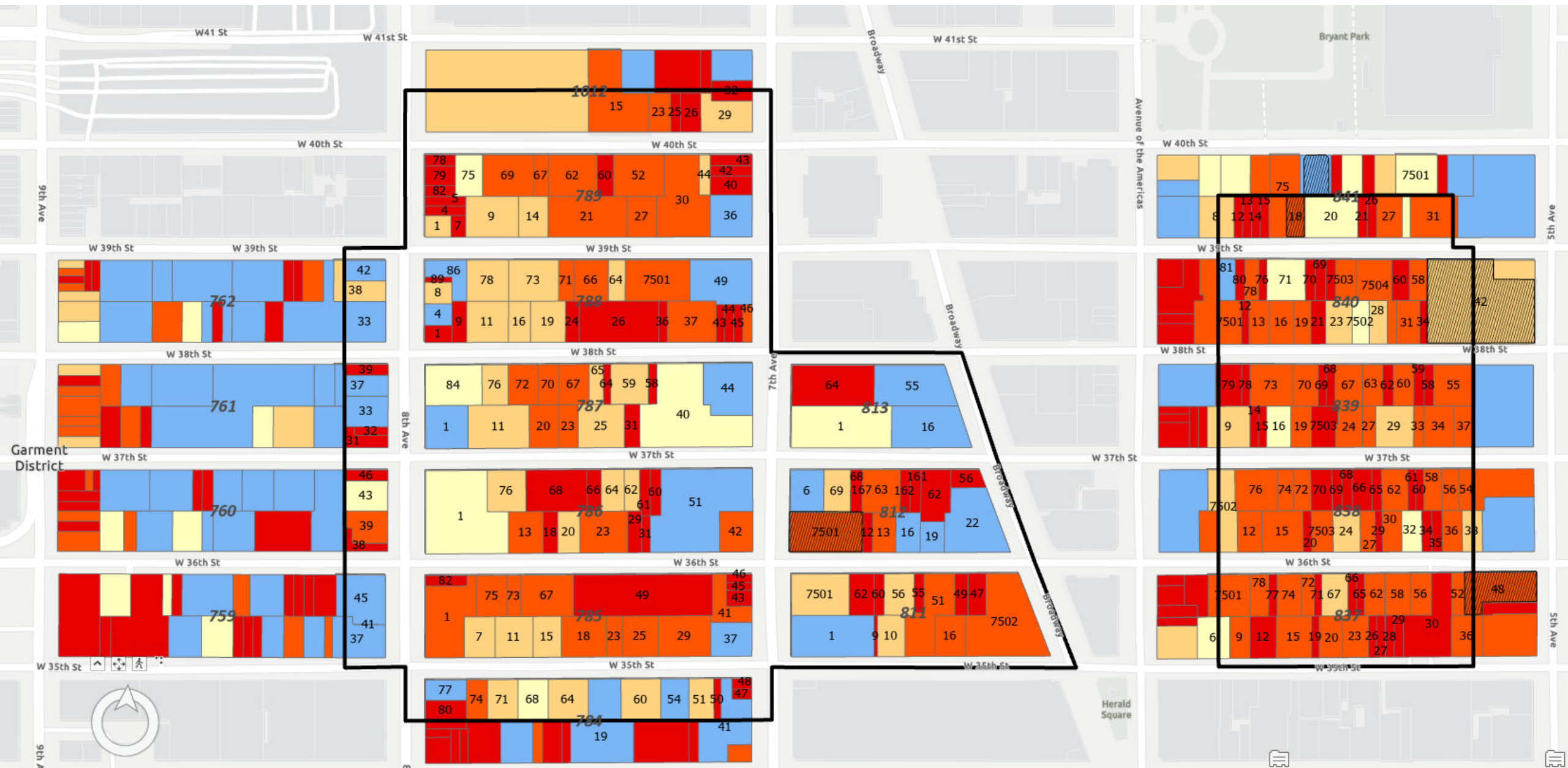
But that's just three sites.

Where else might we see assemblages?

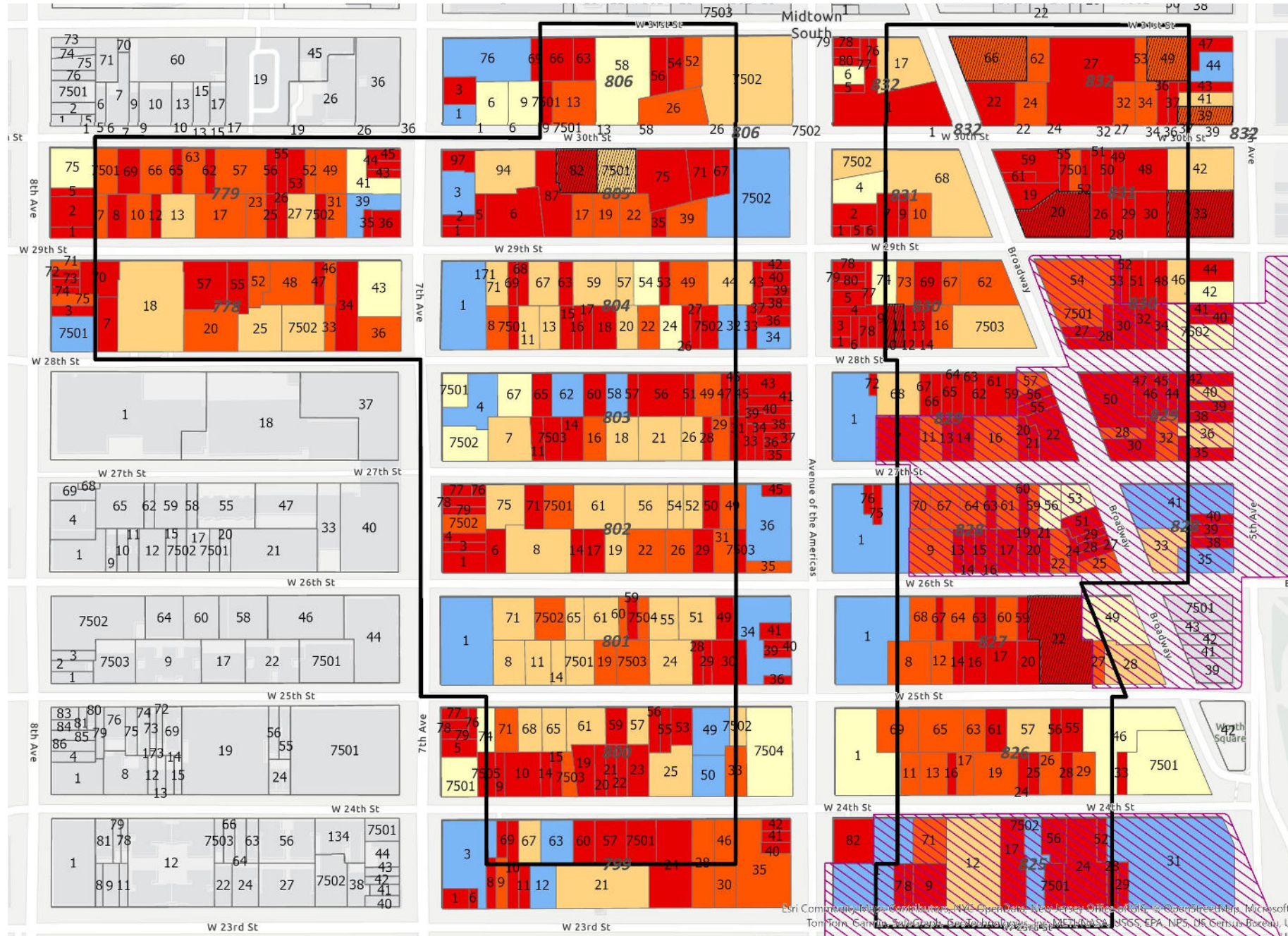
- Under proposed zoning, the number of soft sites increases substantially



Landmarks, condominiums, institutions and other sites may be underbuilt but aren't necessarily development sites



Historic districts are also often underbuilt, but development there is governed by LPC



Esri Community, Intel, Intel.com, NYC OpenData, NYC Office of Research, Microsoft, TomTom, Garmin, SafeGraph, GeoTechnology, Inc., Mapbox, USGS, EPA, NPS, US Census Bureau, US

Zoning lot mergers permit existing buildings to use their unused floor area without demolishing them

- Without their unused floor area, existing buildings on merged lots are unlikely to ever be redeveloped
- For example, how did Central Park Tower get to 1,550 feet at only 13.35 FAR?

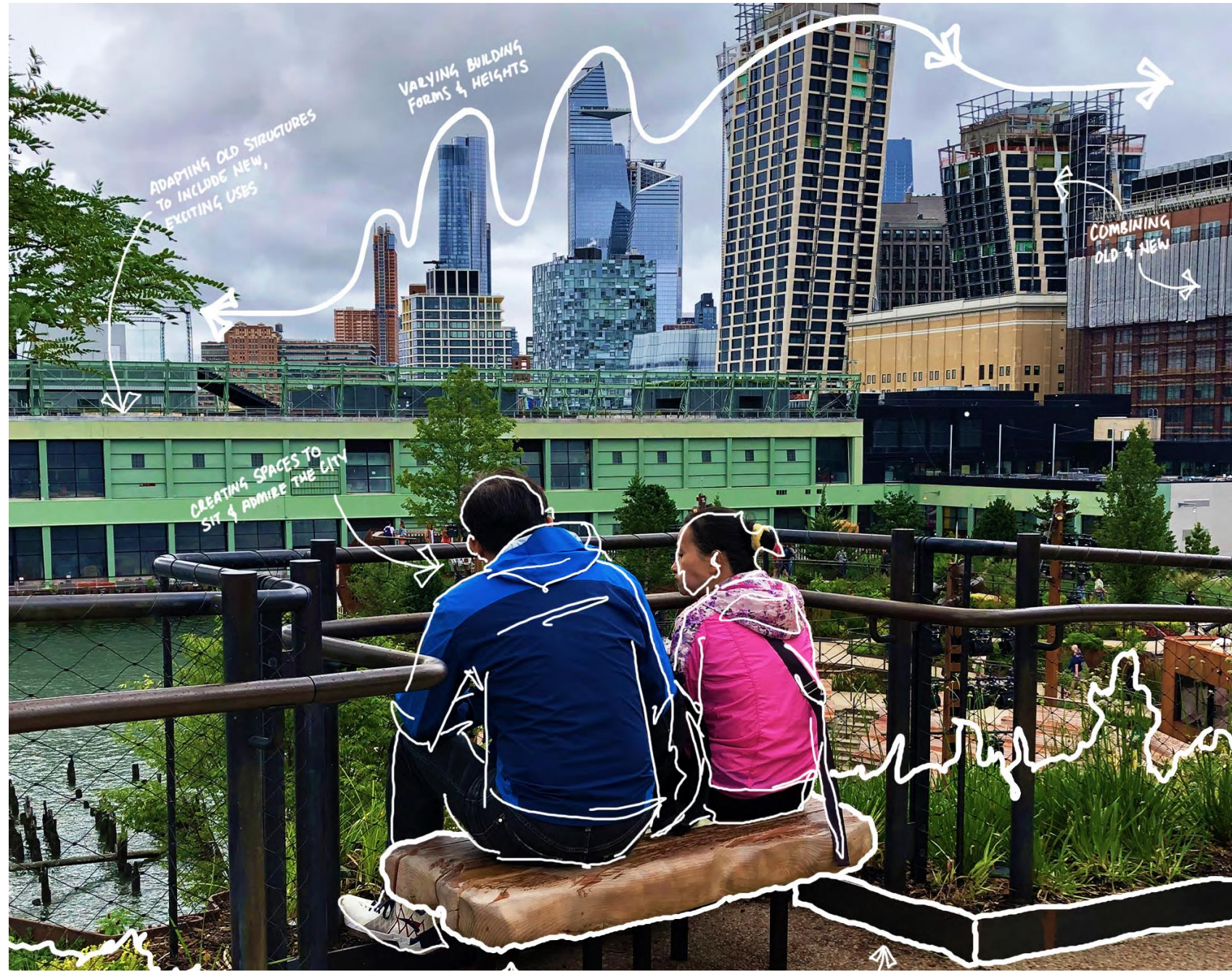


Its zoning lot has all these buildings on it:



DCP has made it clear that the mixing of old and new with varying forms and heights is desirable

- This image is from DCP's *Principles of Good Urban Design*
 - “Adapting old structures to include new exciting uses”
 - “Varying building forms and heights”
 - “Combining old & new”
- MSMX's zoning, which permits towers, helps with these goals



But there is so much floor area available at 18 FAR that its sheer volume may interfere with some goals

- For example, the proposal:
 - Exempts floor area for schools up to 150,000 SF
 - Permits a floor area bonus of up to 20% for covered pedestrian space (with special permit)
 - Permits a floor area bonus for transit improvements and expands the area that can receive bonuses for these improvements
- If developers can get all the floor area they can use from their zoning lot, why would they use these other mechanisms?

DCP rightly pointed out that there are many very large buildings in the district

- But most of these buildings are non-residential, designed with large floor plates, especially in their lower floors that are not ideal for residential buildings



275 Seventh Ave. in the Southwest Plan Area



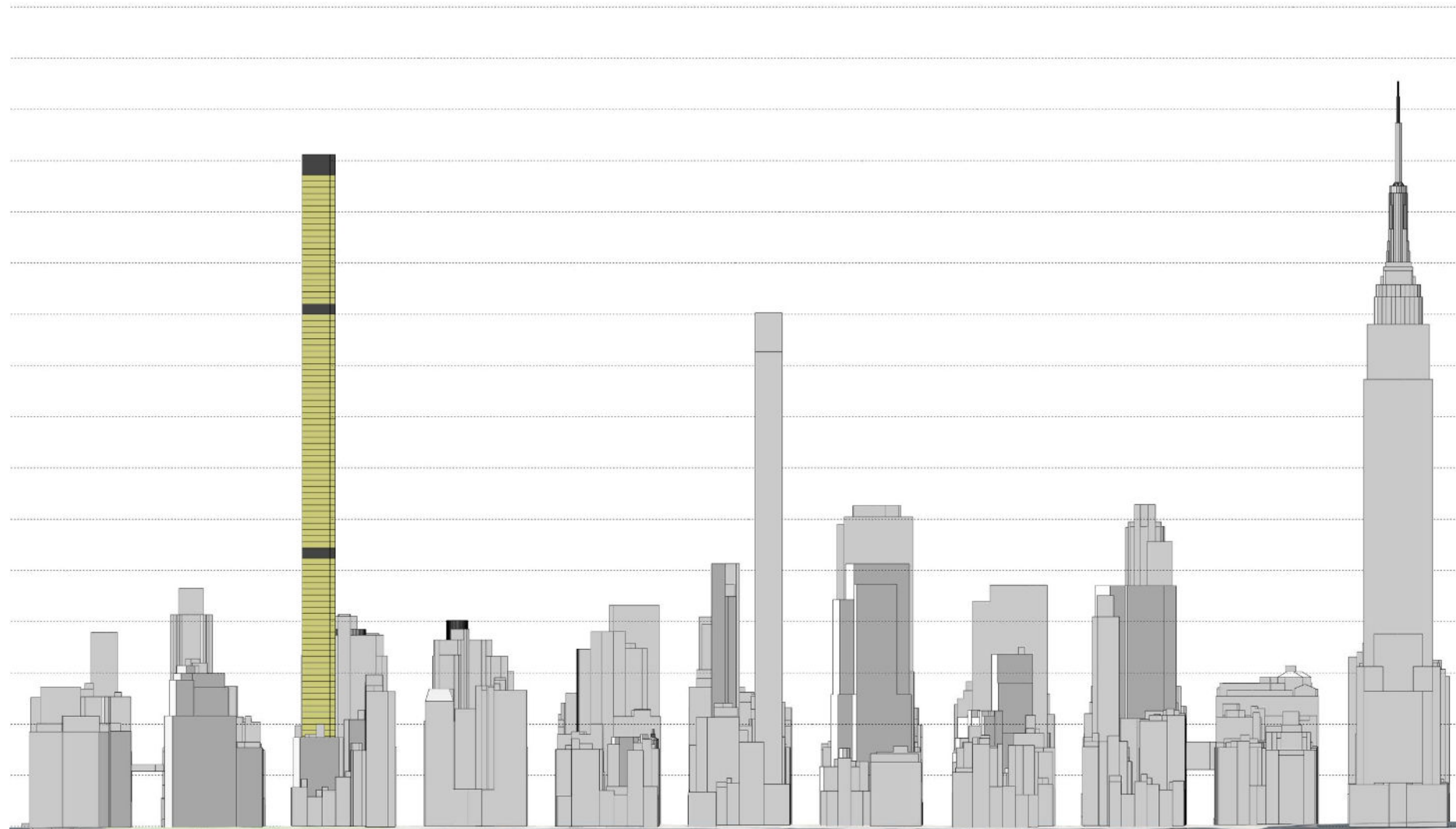
25 W 39th Street in the Northeast Plan Area



The Navarre Building in the Northwest Plan Area

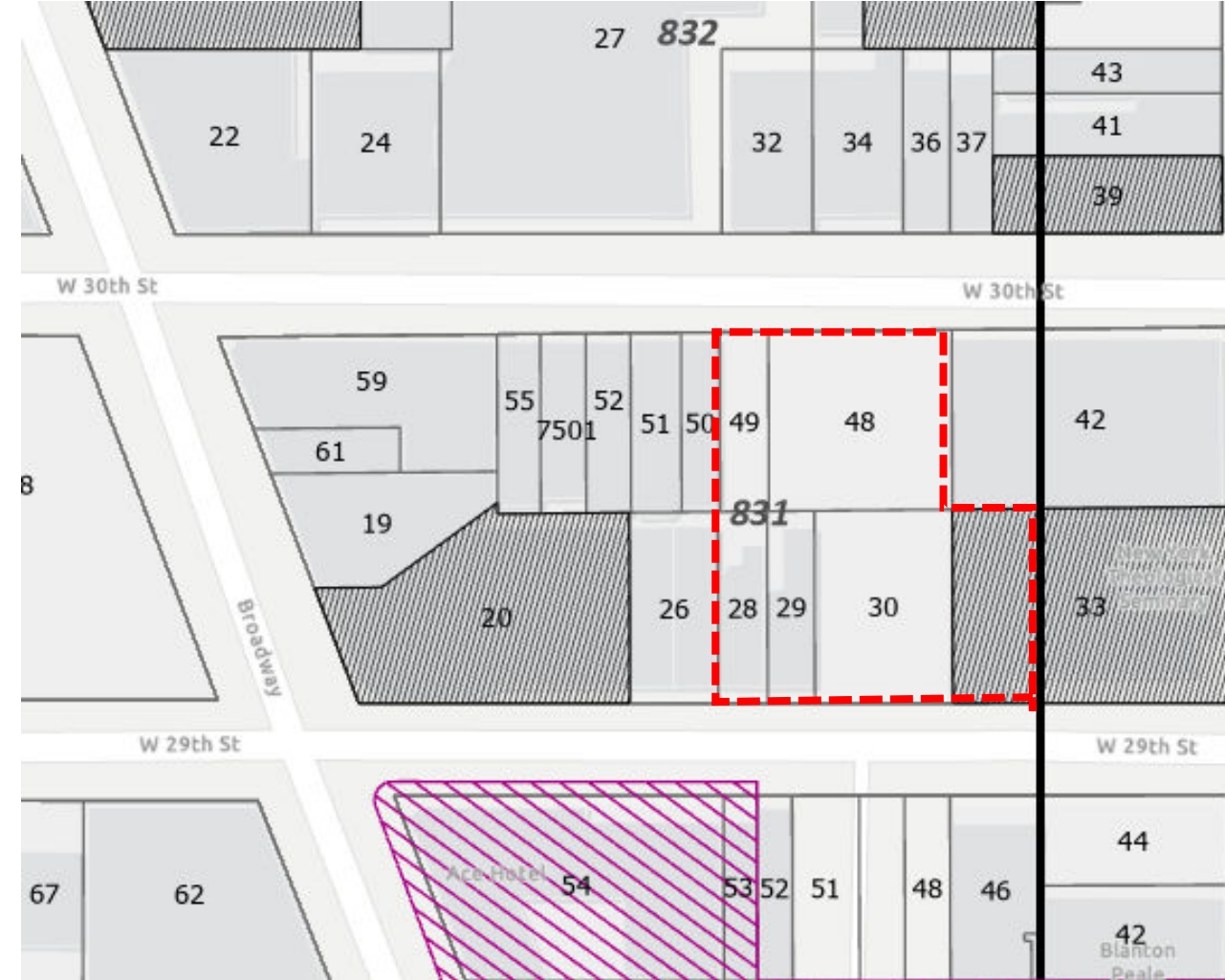
Residential buildings will have slimmer floor plates to permit better light and air

- The slimmer floor plates create taller buildings, which are expensive to build
- The abundance of floor area creates less demand for floor area from schools, covered plazas, and transit improvements
- Is that OK?



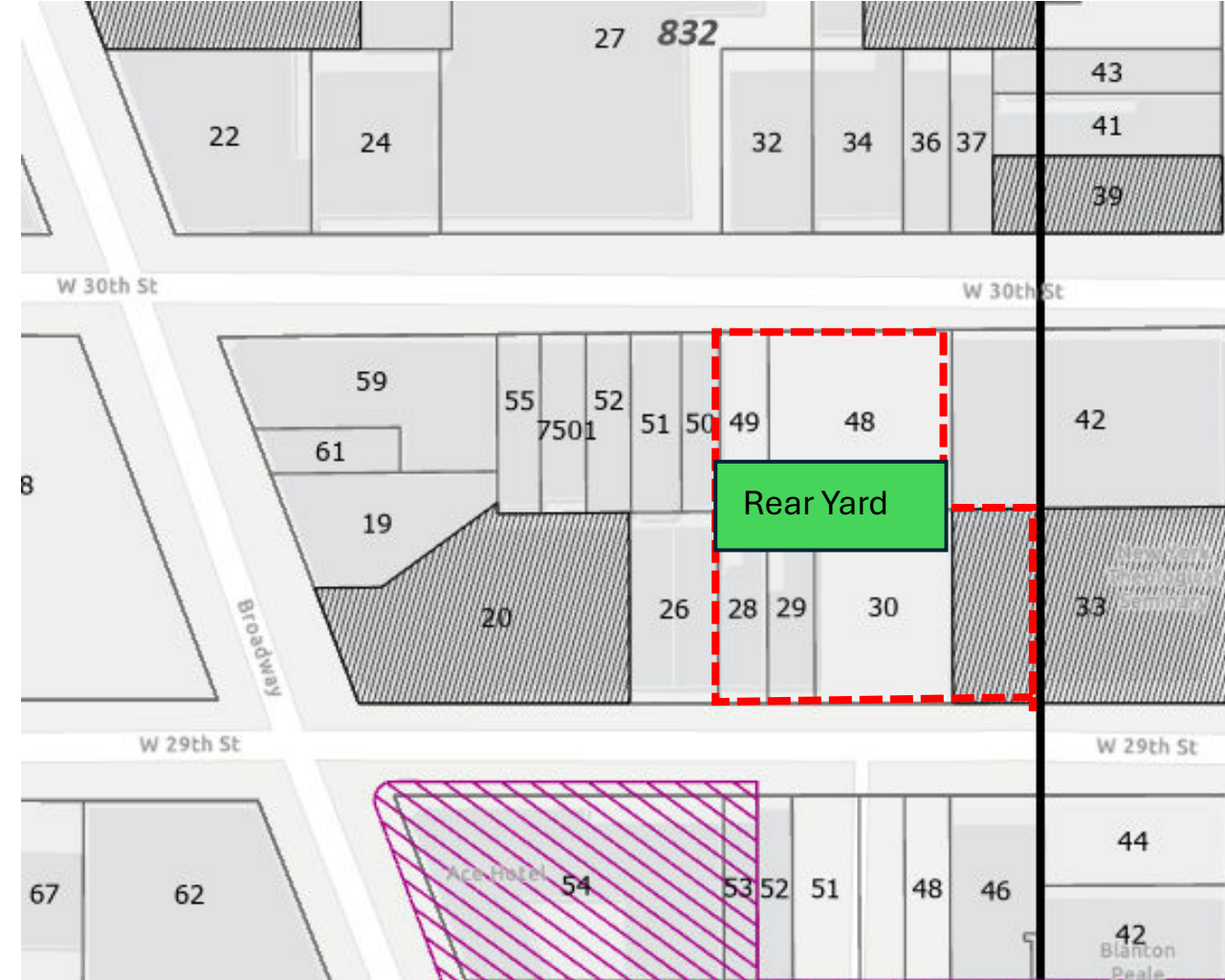
Into the zoning weeds: Through lots and rear yard equivalents

- Through lots are formed when a lot faces two streets that are opposite to each other
- Lots like these typically have options for where they put their rear yard: middle of the block, facing the street, or an open area going through the lot
- This provides developers a lot of flexibility for lots shaped like this



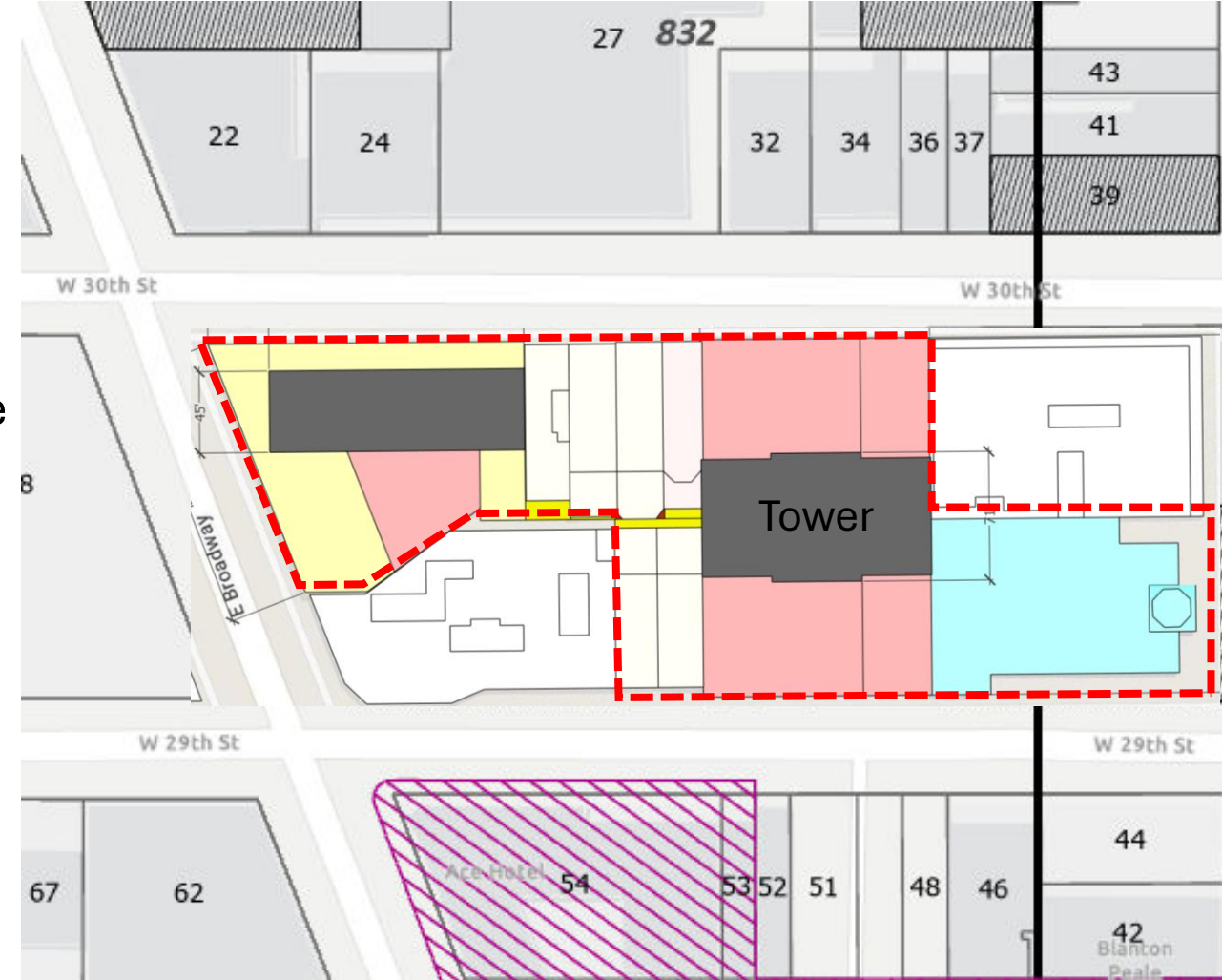
Into the zoning weeds: Through lots and rear yard equivalents

- MSMX, however, requires that the yard be in the middle of the block for most through lots
- This fulfils the urban design goal of pushing building bulk toward the streetline, like most of the historic buildings
- Makes sense considering the urban design goals



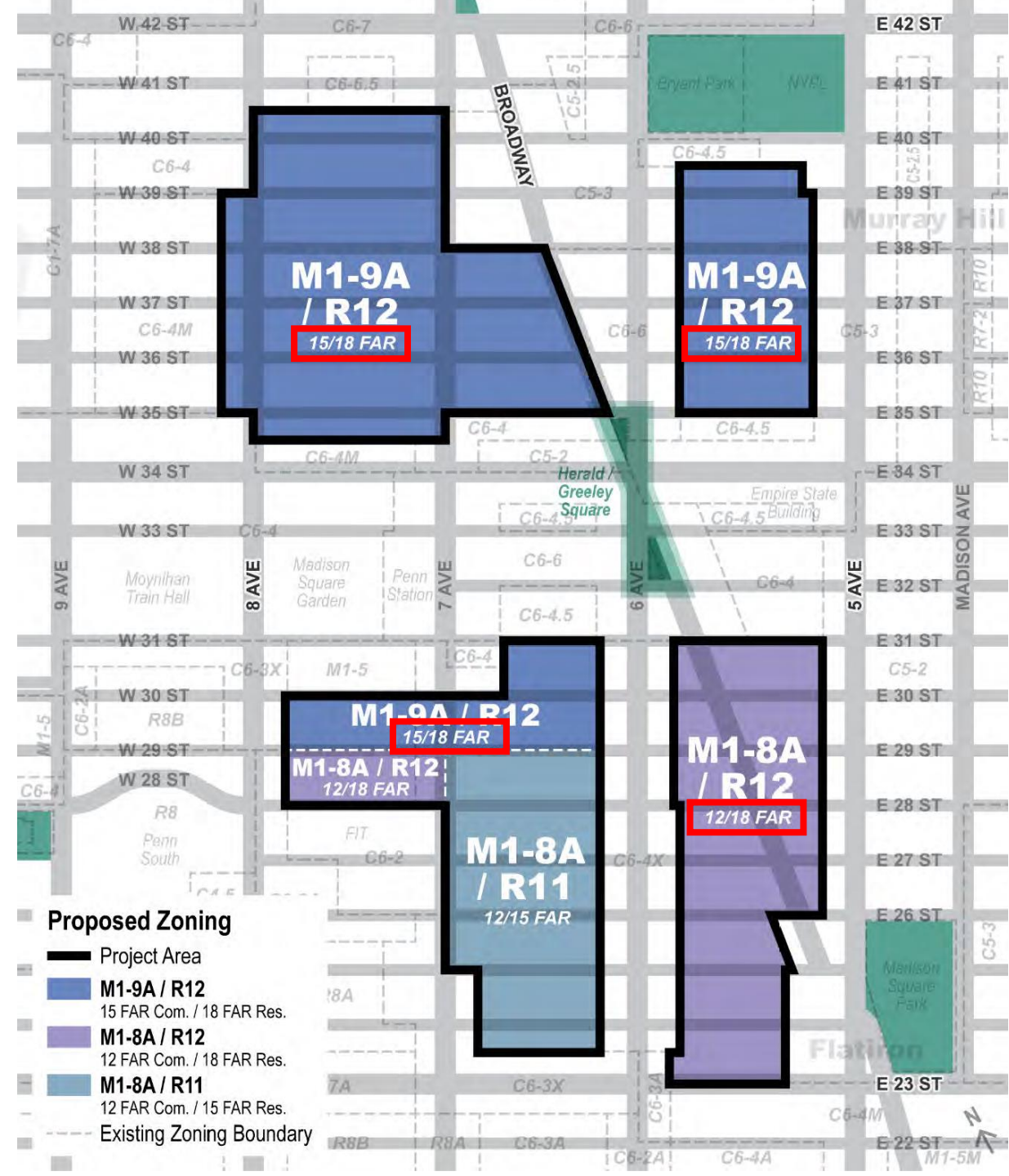
Into the zoning weeds: Through lots and rear yard equivalents

- However, if your zoning lot is 1.5 acres, a “large site,” a rear yard equivalent is not required
- This exception allows for towers in the center of the block ONLY if the zoning lot is very large
- The “large site” rules are new zoning, added in the City of Yes changes
- Is special treatment for “large sites” in this area OK? Or should they be treated like other through lots?



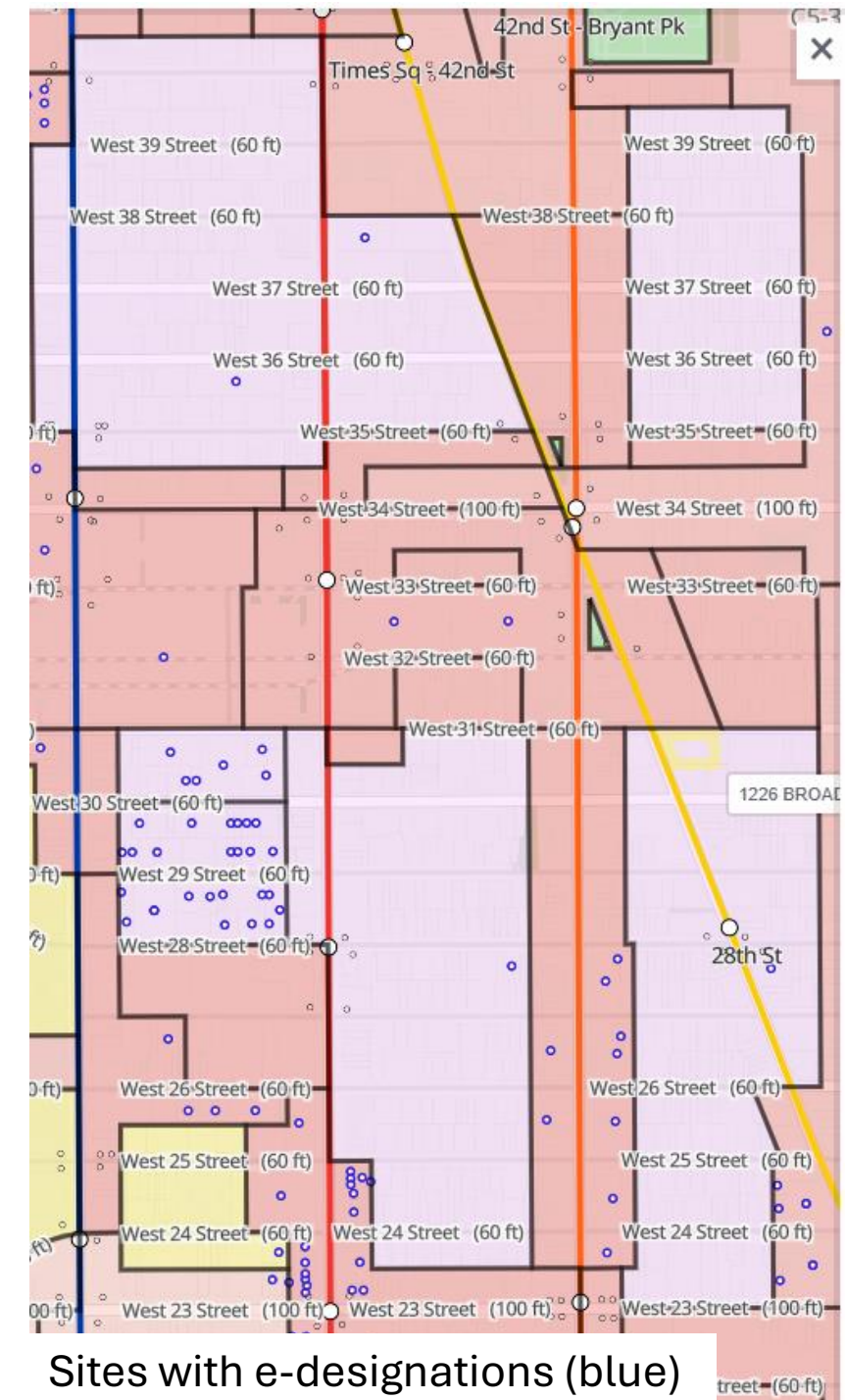
Into the zoning weeds: Mandatory Inclusionary Housing and differential FARs

- Some other MIH areas are seeing non-residential buildings developed where MIH buildings were expected
- Sometimes a slightly smaller non-residential building is better for a developer than a larger MIH building
- The FARs in much of the area is 15 FAR for non-residential development and 18 FAR for residential development
- A lower non-residential FAR (already proposed in the SE quadrant) may encourage more residential development by making non-residential development less attractive
- Alternatively, equal FARs would make non-residential development relatively more attractive



Into the zoning weeds: E-designations

- E-designations are environmental requirements relating to air, noise and hazardous materials that are an appendix of the zoning resolution
- With an E-designation, these topics must be investigated and addressed before a building permit is obtained for redevelopment
- They are often mapped when an M-zone is rezoned for residential
- E-designations *will* be mapped for some development sites, but **no E-designations are proposed for conversion sites**
- The DEIS discloses that for conversions:
“significant adverse hazardous materials impacts cannot be precluded and would be unmitigated.”
- Is this OK? Is there a way to ensure that impacts from hazardous materials could be mitigated in conversions?



As a part of the application, there is a Draft Environmental Impact Statement

- The DEIS tells us that new construction and conversions due to the rezoning are expected to produce **9,676 net new dwelling units** and **16,267 residents**
- These new buildings and residents will create impacts on the neighborhood. The DEIS measures those impacts and provides a mitigation program

Land Use	No-Action Condition	With-Action Condition	Increment
Residential			
Total Residential	81,610 gsf 54 DU	8,774,191 gsf 8,949 DU	+ 8,692,581 gsf + 8,895 DU
Residential (From Conversions)			
Residential (via conversions)	0 gsf 0 DU	1,093,808 gsf 781 DU	+ 1,093,808 gsf + 781 DU
Residential Total			
Total Residential	81,610 gsf 54 DUs	9,867,999 gsf 9,730 DUs	+ 9,786,389 gsf + 9,676 DUs
Commercial			
Local Retail	431,623 gsf	893,752 gsf	+ 462,129 gsf
Office	799,323 gsf	66,704 gsf	- 732,619 gsf
Total Commercial	1,230,946 gsf	960,456 gsf	- 270,490 gsf
Community Facility			
Total Community Facility	13,984 gsf	95,739 gsf	+ 81,755 gsf
Industrial			
Industrial	17,386 gsf	0 gsf	-17,386 gsf
Warehouse	52,396 gsf	0 gsf	- 52,396 gsf
Total Industrial	52,396 gsf	0 gsf	- 69,782 gsf
Non-Residential (Conversion)	1,093,808 gsf	0 gsf	-1,093,808 gsf
Total Floor Area	2,472,744 gsf	10,924,194 gsf	+ 8,451,450 gsf
Parking	69,500 gsf	0 sf	-69,500 gsf
Parking Spaces	225	0	- 225 spaces
Population			
Residents ¹	91	16,347	+ 16,256 residents
Workers ²	8,959	3,435	- 5,523 workers

Notes:

¹Assuming an average occupancy of 1.68 persons per household based on the average household size in Manhattan Community Districts 4 and 5 (2020 Decennial Census).

²Estimate of workers based as follows: 1 employee per 250 sf of office; 1 employee per 875 sf of destination retail; 1 employee per 333 sf of local retail; 1 employee per 25 DUs; 1 employee per 1,000 sf of industrial/warehouse space; 1 employee per 1,000 sf of community facility space; and 1 employee per 50 parking spaces.

The DEIS discloses significant adverse environmental impacts in the following areas:

- **Open Space**
 - **Shadows**
 - **Historic Resources**
 - **Transportation**
 - Traffic, Transit, Pedestrians
 - **Air Quality**
 - Industrial Source
 - **Construction**
 - Transportation, Air Quality, Noise, Historic and Cultural Resources
-
- In addition, there may be significant adverse impacts related to **Hazardous Materials, Air Quality, and Noise** in converted buildings, but those impacts cannot be determined
 - Written comments on the DEIS are due **10 days after the CPC hearing** on the application, so these comments follow a slightly different timeline

In addition to topics with adverse impacts, the DEIS includes other great information that CB may wish to comment on

- For example, the DEIS discloses that it expects **displacement of 779 private sector businesses and 5,304 jobs**
 - The CB may wish to ask about initiatives and policies to aid displaced businesses. For example, will there be programs that will assist displaced businesses in finding new space?
- The DEIS discloses that **elementary schools will be at 98.9%** utilization and **intermediate schools will be at 100.7%**
 - What does full utilization mean practically for these D2 schools? Has there been consultation with the DOE?
- No significant impact on **libraries** is expected, but there will be a 5%+ increase in dwelling units per branch
 - Are library improvements being considered in association with the rezoning? Many services libraries provide are not captured by CEQR criteria and so impact may be understated
- This is a largely non-residential area, are there local concerns regarding **hospital capacity, ER service, police/fire?**

Finally, your comments on the DEIS can be wide-ranging

- You can ask for additional analysis, information or mitigation considerations
- The Lead Agency must respond to all comments in the FEIS
- It is possible to include mitigations in a **Points of Agreement** that the City adopts to support improvements in the rezoning area
- Again, comments on the DEIS can be separate from your approval or disapproval of the ULURP application

Discussion



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Midtown South Zoning Proposal

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2/26/2025